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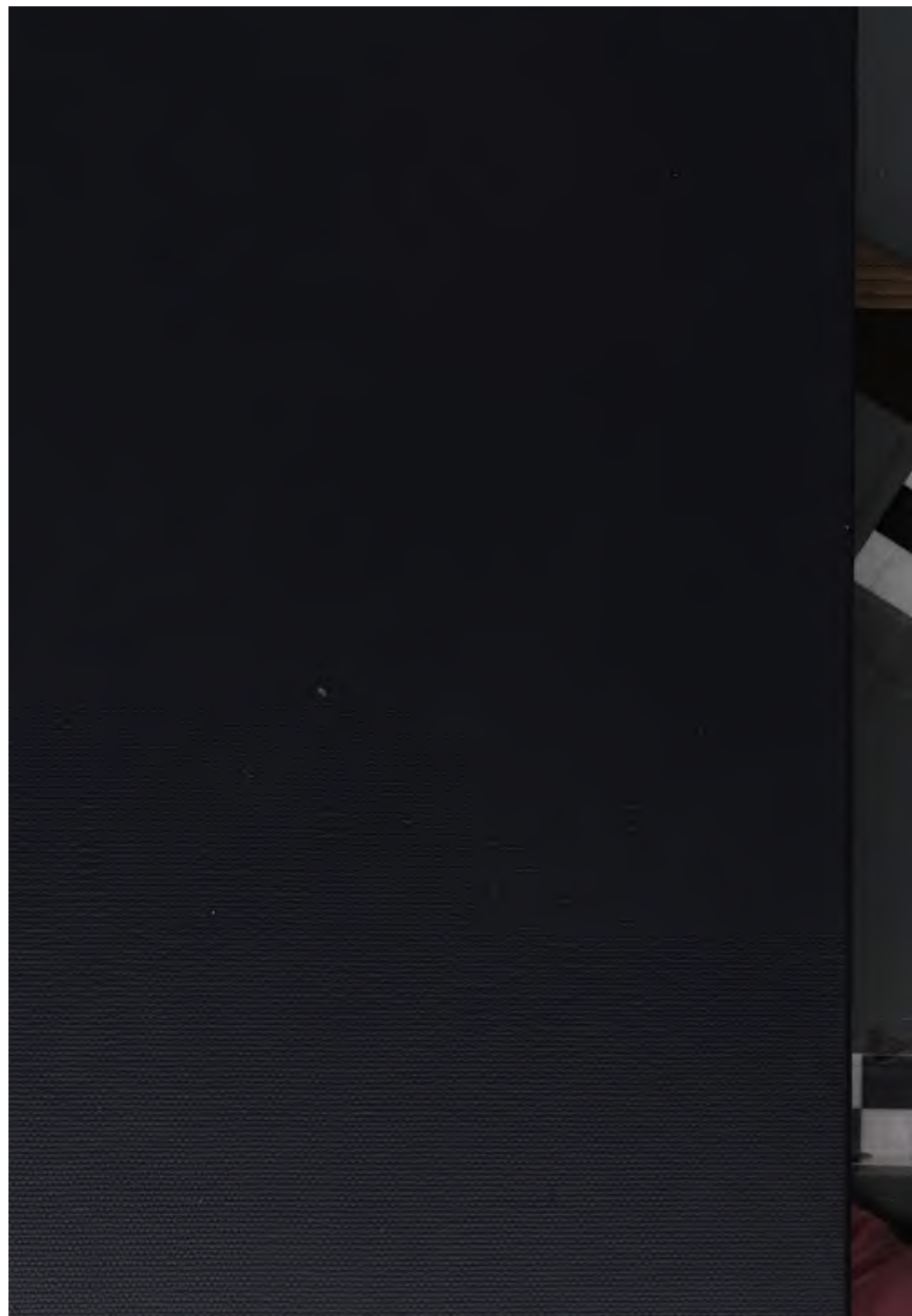
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# THE AMERICAN HISTORICAL REVIEW

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The  
American Historical Review

THE COLONEL AND HIS COMMAND

IN the nomenclature of military ranks there is a frequent appearance of meaninglessness that agreeably stimulates speculation. We are set wondering how ideas so definite can have obtained expression so vague or inappropriate. If you have a taste for it, you will smell hidden history and be impatient to take up the scent. And given an inclination for the sport, you cannot do better. There is no hobby that is a more clever fencer or will more boldly fly the most staggering obstacles; and as for country it is some of the finest in the world of letters. A man who has never sipped the delights of old military books — and it is through these the chase will take you — has missed a good thing. There are no others of which you may grow more foolishly fond. For pedantry they are unsurpassed: nowhere can trivialities be found so weightily put or platitude so learnedly supported; and yet continually and in appetizing contrast you may light on shrewd bits of soldierly wisdom, set in a grim kind of humor, and on clear glimpses of the old soldiers' life. You may hear again their swagger and their swearing, their quarrels on trivial points of precedence, and listen to the music of the pikemen's armor as they march, and smell the smouldering matches of the musketeers. Nor can any one deny, and this is a strong attraction, that they are among the most useless and dead of books. Sterne knew them and felt their charm, though perhaps naturally he was a bit ashamed of the weakness and engaged Uncle Toby to ride his hobby. Scott felt it too after his way, and must, I think, have had his pleasant hours with them. *The Antiquary* shows the hand of a genuine lover, and so does *The Legend of Montrose*, though to be sure Dugald Dalgetty is a dunce beside Captain Shandy.



These old treatises on the art of war are mainly of two kinds. Some, ill-printed, with a low-bred air, seem to have been intended honestly as works of instruction for the use of young gentlemen-volunteers desirous of acquiring the military art. Sometimes they are mere drill-books, and sometimes they sound the whole gamut of the science, from the elements of arithmetic to the conduct of a siege. Others again are more pretentious, and glow with brilliant type and costly engravings. These for the most part are the adorning of a dignified retirement after a life of active service—the work of some famous captain who must crown his career like Cæsar with a volume of *Commentaries*. But no matter the author or the tongue, they are all of one family and vie with one another for platitude and pedantry. Indeed for plagiarism the noble captains are shameless. You may trace an aphorism—of which things these learned soldiers were inordinately fond—from author to author, and in the end it is ten to one you will not discover its begetting. For all of them the phalanx and the legion sing in their heads like a haunting refrain, and Hannibal and Cæsar and Alexander are dragged in by the heels through the most unexpected openings and upon every trivial occasion. They will all tell you, one after another, that a sergeant is a most necessary officer, that a captain should have a stout heart and experience in the wars, and so on through the whole cadre; but in spite of their coquetting with scholarship and their childlike reverence for classical origins there is not one will let you learn how ranks came by their names. And it is only by persistent questing over these pleasant hunting-grounds that the trace of such a thing is to be found.

Of all grades that of Colonel is wrapped in the most inviting obscurity. Not but that the dictionaries are quite agreed about it, and that in all languages and with so perfect a unanimity that, however historically impossible the accepted derivation be, it is not to be lightly rejected. As to the actual meaning of the word there is no doubt. It is simply the Italian *colonello*, “a little column.” So much is not in dispute, in spite of the existence of another form “coronel,” which would seem to connect the word with *corona*. This form, although it has been adopted by the Spaniards, is certainly nothing but a corruption of the other under the influence of the common Romanic tendency known as the dissimilation of recurring l's. The Italians seem always to have kept to the form “colonel,” nor does the old French “couronnel” appear in literary use after the sixteenth century. We in England for a long time wavered between the

two, with a preference for the Spanish form; for Spain was our father-in-arms, and the great Spanish captain, Gonsalvo de Cordova, was the Von Moltke of that time. As our literature became more Italianate, and perhaps as we achieved less reverence for Spain as a military power, polite people inclined to spell the word with the "l." Throughout the seventeenth century both forms were in use and continued to confuse plain people till we characteristically settled the difficulty by writing the word one way and pronouncing the other.

So much being clear, the real question is why the officer commanding a regiment should be called "a little column." It is here we quarrel with the security of the dictionaries. Even Mr. Skeat, an example of caution, has no doubt about it and is at one with all the rest. "Colonel," he boldly says, "is so called because he commanded the colonello or 'little column' that marched before the regiment." Dr. Murray in his new *Dictionary* quotes this with approval; and in every other that I have consulted, no matter the language, some such explanation is the only one given. The French Encyclopedists, with more scholarship, flatly refuse to settle the point; and I am therefore encouraged, in spite of the weight of unanimity, to assert that a little consideration of what the Colonel originally was and a little knowledge of old military sentiment will make the accepted derivation appear very improbable; and further, that an inquiry into the time at which the rank began to be used will show that derivation to be a plain impossibility.

The earliest definition of the word that I have been able to discover in any military treatise, is that contained in the *Arte Militare* of Signor Mario Savorgnano, Count of Belgrade. The book was not published until after his death in 1599, but internal evidence shows that the manuscript was composed for the instruction of his nephews about thirty years earlier. "Those are called colonels," he says in his First Book, "who command large Bands (*grosse Bande*) of Infantry." Here of course he must plunge off into a long disquisition on the phalanx and the legion, but having got this off his pen he proceeds to explain very briefly, but with unusual clearness, what these *bande* were. "To-day," he tells us, "amongst the Germans they are called *Reggimenti* and so also say the Swiss, amounting to four or five thousand men; but with the Spaniards and Italians the Bands are usually four thousand, and I approve this number. . . . Over each of them is placed in command one whom we call Colonel with his lieutenant and his captains of four and five hundred." The rank, however, had been in use already many years. At Venice in 1566, that is, about the

time Savorgnano was completing his manuscript, was published one of the humbler sort of works that I have referred to, a fat quarto ill-bound and worse printed, containing a treatise *Della Disciplina Militare*, by Captain Alfonso Adriano, which takes us back to the early days of the century. "I remember," he writes, "that in 1519, when I began to serve under the discipline of the ever most illustrious Marquis of Pescara, the companies of private captains were usually one hundred strong, and he who had two hundred was held amongst those distinguished of fortune. The 'Colonels' (*i colonelli*) were four or at most five hundred strong. But now-a-days, with better judgment, the companies are stronger, especially with the Spaniards, where they are three hundred strong and the 'Colonels' a thousand. The French companies are of four hundred and the German of five hundred." Here then he shows us the *banda* as an aggregate of companies, some of which were stronger than others and were called *colonelli*. These were almost certainly the companies of colonels commanding the "bands." The *banda* was, at any rate in theory, a brigade of companies commanded by its senior captain, an idea which, as is well known, survived in regimental organization till a very late period. Everywhere else but in the passage quoted, Adriano uses the word as a rank and not as a body of men, and we therefore may take it as certain, without prejudice to the question whether the officer or his command first came by the name, that as early as 1519 the *banda* was commanded by a colonel, and that his, the senior company, was called *il colonello*, as in France it was long called the *compagnie colonelle*. We may even go further back still. Immediately after the above passage Adriano goes on to speak of his master and father-in-arms, one Giovanbattista della Valle Venafranca, as "an old captain and colonel of Ferdinand the Catholic, King of Aragon." This is fair evidence that the rank existed before 1516, the date of Ferdinand's death. Still it must be noted that Macchiavelli does not use it. His *Art of War* is generally supposed to have been written between 1516 and 1519. Yet for the head of his reorganised *battaglione*, he clings to the old mediæval word "constable," ignoring or being ignorant of the new one. Francis the First, however, immediately afterwards gave the head of his new legion the title of *colonel*; so that we may place the introduction of the word with practical certainty not later than the second decade of the sixteenth century.

As yet however the *banda* or colonel's command was very far from being the modern regiment. It was still little more than the "battaglione," or mass of infantry in deep formation, which had

come to be the backbone of later mediæval armies, and was still the tactical unit in the days of the "Great Captain." Modified it was no doubt; but, like everything else in those times, it was modified by the classical fever that was raging in Europe, and was still rather the legion or the phalanx than the modern regiment. Macchiavelli, the first of modern writers on the Art of War, avowedly based his organization of a national militia upon the Roman legion, praising the Swiss "who alone in our time have retained any shadow of the antique system." His work became at once a model and a well for all literary and scientific soldiers. Francis the First seems to have based his new legionary organization entirely upon Macchiavelli's book. At any rate Monsieur de Lange, in describing it, helps himself wholesale from the Italian and without a blush. Francis's organization, however, was but short-lived, and would appear to have been the last attempt to bring the old infantry mass into harmony with the exigencies of modern warfare by modifying it upon classical lines.

With the decay of the man-at-arms and the development of light cavalry, no less than with the increased offensive value of infantry due to the growth of fire-arms, practical soldiers must have grasped the importance of giving the *battaglione* mobility and elasticity. In this direction the first attempt at reform seems to have been a reduction of its strength. In the *Osservanza Militare* of Captain Francisco Ferretti, who published in 1568, its numbers are given at six thousand six hundred; Savorgnano, writing very much about the same time, tells us it was fixed by the Italians and Spaniards at four thousand men. But it was not in this way that the problem was to be solved, at any rate in Italy. There we now begin to note the appearance of an entirely new body, the creation of an entirely new unit, the "*terzo*" or "*tertia*." Here again is one of the mysteries of military history. How or when or whence it came no man tells us, or what is the significance of its curious name. Like "colonel," of course its meaning is plain. It is "a third," but why a third? a third of what? If we were permitted to guess, the solution is easy. With the moderation of the classical fever, I would venture to think the old soldiers began to doubt whether salvation must necessarily be sought in Latin or Greek forms. They may have looked nearer home to their old mediæval system with its threefold division of vanguard, main-battle, and rear-guard, and so have hit upon the plan of getting rid of their cumbrous unit without any such radical change as a soldier's mind abhors. It was so easy to divide it into three: the thing had even the air of reaction rather than of revolution. A specious classi-

cal precedent was to be found in the threefold formation of the legion; and this is, as I would venture to suggest, how the *tertia* came to exist and the transition from mediæval to modern methods was finally set on foot. It is only a guess. There is nothing to support it, though arithmetically it makes a fair show. The Marchese Annibale Porroni, writing about a hundred years after the *tertia* first appears, tells us in his *Trattato Universale Militare Moderno* that it consisted of from a thousand to fifteen hundred men; so that here we have a body whose normal strength was something like a third of Savorgnano's battaglione of four thousand, and which was something very like a modern regiment.

At the head of the new body, however, we do not find a colonel. Indeed, if the suggested explanation of the origin of the *tertia* be the true one, it is out of the question that we should. A colonel could not be set over a third of his old command. The new leader was called *maestro di campo*; but the rank was not a new one. Both Ferretti and Savorgnano, who did not know the *tertia*, describe him still as a member of the general staff with duties akin to those of a modern quartermaster-general, or chief-of-the-staff; and so also Adriano. "The office of Maestro di Campo," he says, "is to be the executive officer (*executore*) of the Captain-General, as a Podestà di Giustitia in a state is to his Prince. . . . He is next in command after the general and has charge of the victuals, camping, and marching." This was quite in accordance with the tendency of staff ranks to become substantive ranks. "Constable" and "marshal" went through the same process, and so did "major" and "major-general," the staff ranks which in turn succeeded "*maestro di campo*," and were themselves succeeded by "adjutant" and "adjutant-general." Indeed, the consumption of the staff rank for the head of a new body is in itself presumptive evidence that it was carved out of a larger body, to which the new regimental officer was formerly attached as chief staff-officer. And more than this. In the French service was long to be found a curiously recurring phenomenon which gives much color to our conjecture, and that is the constant changing of the rank from *mattre-de-camp* to colonel and back again. From the creation of Francis's legions to the middle of Henry the Second's reign the chiefs of infantry regiments were called colonels. Thence to 1661 they were *mestres-de-camp*, and again and again they were changed, apparently with no reason. But the fact is that "colonel" was used when the rank of colonel-general, or commander-in-chief of the infantry, was suppressed or in abeyance. Whenever it is revived we find regiments under the

command of *maitres-de-camp*, that is under officers who were nominally the chief members of the colonel-general's staff. Thus we see that by the traditions of the French service the existence of *maitres-de-camp* presupposed the existence of a colonel-in-chief over them, and that the bodies they commanded were theoretically units of the colonel's command—a tradition that is hardly to be explained except on the supposition that the *tertias* were originally carved out of the old *banda*.

The introduction of the new body is, I believe, usually attributed to Alexander Farnese, Duke of Parma, but on what authority I know not. Still the reform almost certainly took place in his time, and it was under him the *tertias* made their reputation. As we have seen, Ferretti, Savorgnano, and Adriano, all writing about 1560, knew nothing of the *tertia* and still describe *maestro di campo* as a staff officer. At Venice in 1570 was published *Il Soldato* of M. Domenico Mora of Bologna, and here, although the *tertia* is not mentioned, the *maestro di campo* is described for the first time as a regimental officer of equal rank with the colonel of a regiment, and it is to the Duke of Parma that Mora dedicates his work. Thus we are able fairly accurately to fix the date at which the *tertia* was introduced and to guess with some color of plausibility what it originally was. As for the regiment, however, we are still far from ascertaining how it came into existence. It was certainly not the same thing in its origin as a *tertia*, and it was always regarded as something different, even when tactically and administratively the two things had become identical. The Marchese Annibale Porroni in his dialogue concerning military ranks, contained in his fourth book, treats *maestro di campo* and *colonello* under one head. "What," asks the inquirer, "is the difference between *maestro di campo* and *colonello*?" "Nothing," answers the Marquis, "except that in organizing the *tertia* the officers from ensign upwards are appointed by the captain-general (*i.e.* the commander-in-chief), while in the regiment this prerogative remains with the colonel." The Marquis was a man of wide service under many flags and his book was published in Venice in 1676, so that we may take it he knew the general practice of Europe at the time the regimental system had become fixed, and that he had seen its final development.

So small a matter, however, as the method of appointing officers can hardly have been the real distinction between the two bodies. It has rather the appearance of the survival of a difference that was once wide and real—and leads us to suspect a case of two bodies of different origin and constitution becoming assimilated

by the necessity of adaptation to the same conditions. The right of the colonel to appoint his own officers means that the regiment was regarded as his property. It was a conception which existed till a late period, and survivals of what may be called the proprietary organizations are obvious in most services to this day. At the time when the transition took place no other basis of organization was known; and seeing how deeply the feudal system must have grooved men's minds, especially in Central and Western Europe, the adoption of property instead of tenure as a basis was the natural line for the change. In the South the more liberal Italian could go farther and faster. When the reform became necessary he logically cut up the old unwieldy unit into three, and out of the pieces created an entirely new unit. But of such revolutionary methods the Transalpine mind was incapable, and this is probably the secret of the whole matter. While the *tertia* represents the Italian, the regiment would seem to be the German method of dealing with the difficulty. We have seen Savorgnano using the word "regiment" to distinguish the German and Swiss form of the *battaglione*, and at first the regiment seems to have been regarded as an exotic in Italy. We can well understand how the Transalpine soldiers would cling to their old institution, which had made their arms a terror to Europe and placed them in the fore-front of military progress. Quick to see as practical soldiers the value of the new unit, they would be slow to abandon their great invention, and so it would seem they went on in their clumsy way reducing the cumbrous machine until it attained the mobility of the Italian *tertia*. Thus both the *tertia* and the regiment were formed out of the old *battaglione*, but the *tertia* was produced by cleavage and the regiment by shrinkage. If this is so, it is the more interesting to note that it is not the new logical and scholarly form that survived, but the old solid thing of slow but continuous development that beat the other out of the field. By the end of the seventeenth century the regiment had fully established itself at the expense of the *tertia*, and that prince of pedants, Sir James Turner, has a loud lament that the unscholarly fashion of modern soldiers compels him to use the barbarous word, whose very meaning and origin was unknown and which he protests was not a hundred years old. But here he was astray; for, as we have seen, although the regiment as he knew it was first called "*tertia*," "regiment" was the older word of the two.

The whole, of course, is mere conjecture, suggested by the scattered hints of historical value, which the old literary soldiers, in spite of all their pains, have allowed to slip into their pages.

True, the explanation offered fairly accounts for the ascertained facts, and this process nowadays is much confounded with the proof, but of such confusion I would not be accused or even willingly guilty. Still, whether or not it was thus that the modern regiment was evolved from the mediæval *battaglione*, it is clear that in considering the origin of the rank of colonel we must have in our minds an officer of widely different standing from the one that now holds the title. Originally, as the commandant of a *battaglione*, he was a highly important general officer, corresponding rather to a general of division, or colonel-general, than to the head of a regiment; and his command, from a part of which he is supposed to have received his name, had hardly a more definite administrative existence than a modern brigade. He was, as colonel, essentially a staff-officer, and it is to misconceive entirely the spirit of those old soldiers, their sensitiveness to forms of precedence, their reverence for the outward marks and symbols of dignity, to suppose that an officer so exalted would have been offered or have accepted a title derived from a mere regimental command. Nor is the evidence that his company was generally known as *colonello* of any moment. Beyond the passage already quoted from Adriano, I have never met with it used of a body of troops at all. Bartolomeo Pellicciari, in his *Avvertimenti in Fazioni di Guerra*, in treating of the colonel of a regiment, tells us he usually had a company reserved to him and gives a full account of its constitution, but he does not say it was called a *colonello*; and what makes it still more probable that it was the officer who gave his name to the company, not the company to the officer, is, that sometimes a regiment was called in Italy a *conellato*, a word that in appearance is a contraction of *colonellato*.

It is, however, unnecessary to deal further with the probabilities, since there is a plain fact which brings us to practical certainty, and that is, that at the time the word "colonel" came into use the word "column" had not acquired its military meaning. A body of troops disposed in line of march was not called a column till at least a century and a half later. When exactly it became a technical military term is difficult to ascertain, but it certainly was not until quite late in the seventeenth century. The Earl of Orrery, who succeeded the great Duke of Albemarle as commander-in-chief of the British army, published, in 1677, as the fashion was, his treatise on the Art of War. In this occurs the following passage: "I would march my army in two or three several bodies divers wayes, which the French call *columes*, but we, and I think more properly, *lines*." This is the first appearance of the word in



English literature and must fix approximately the date of its adoption into our service. Seeing how readily and even hastily new military terms have always been adopted from the Continent into England, it is clear that the use of the word cannot have been very old, even in Italy, at the time Lord Orrery wrote. No Italian author of the sixteenth century that I have been able to consult makes use of the word at all; over and over again they describe the method of marching an army or a *tertia*, but never do they refer to a route formation as a column. There is even reason to believe that the use of the word is not Italian at all; the best old authorities certainly brand it as a Gallicism. We may therefore take it, that on chronological grounds alone the accepted derivation must be wrong. To find the right one is quite a different thing. Thomasseo, in his *Dictionary*, suggests *Columella*, the name given to the head slave of a Roman household. But I think another could be found less far-fetched and less objectionable to military dignity; and this with great hesitation and plain warning that I am bare of authority I will venture to propound, claiming no more for it than that it has at least the negative merit of not being impossible.

It must be remembered that a soldier was not always regarded as a mere part of a great military machine. Until comparatively recent times a soldier was a fighting man, and an assemblage of fighting men made an army. When late in the seventeenth century some daring reformer suggested that pikemen and musketeers should cease to be armed with swords, since they never used them, a howl went up that is only comparable to that which accompanied the abolition of pigtails. A soldier without a sword! they cried. Why, he would be no soldier at all! And so a captain without a company was no captain at all. He was an officer, as the private was a soldier, by virtue of his individual striking power. A general could be no more. No substantive rank higher than captain was known; and no matter how exalted a staff rank a man held, in his soldiership he was no more than a captain at the head of his company. Even till the dawn of the eighteenth century every general officer continued to have, not only his own regiment, but his own company in it. His duties as major-general, or commissary, or quartermaster, were still regarded as something apart and distinct from his soldiership, as in fact non-combatant; and for a symbol of his non-combatant rank—to show, that is, that he was entrusted with duty and authority beyond the command of his company—he carried besides his weapon a staff. It was so the constable bore his truncheon and the marshal his baton, and it is

## BRITISH CONVICTS SHIPPED TO AMERICAN COLONIES

IN 1769 Dr. Johnson, speaking of Americans, said to a friend, "Sir, they are a race of convicts and ought to be content with anything we may allow them short of hanging." In the latest edition of Boswell, who chronicled this saying, it is explained by the following footnote: "Convicts were sent to nine of the American settlements. According to one estimate, about 2000 had been sent for many years annually. Dr. Lang, after comparing various estimates, concludes that the number sent might be about 50,000 altogether."<sup>1</sup> Again, in the *Encyclopædia Britannica*, under the article "Botany Bay," we read: "On the revolt of the New England colonies, the convict establishments in America were no longer available, and so the attention of the British government was turned to Botany Bay, and in 1787 a penal settlement was formed there." In keeping with these statements is a conversation related in the autobiography of Dr. Francis Lieber (p. 180). The scene was a breakfast in 1844 at Dr. Ferguson's in London. "I remarked how curious a fact it was that all American women look so genteel and refined, even the lowest; small heads, fine silky hair, delicate and marked eyebrows. The Doctor answered, 'Oh, that is easily accounted for. The super-abundance of public women, who are always rather good-looking, were sent over to America in early times.'"

These English views of the United States in the colonial period as penal settlements and convict establishments move incredulity and indignation in Americans, with whom Plymouth stands for a colony of conscience, Massachusetts for an asylum of martyrs, and Virginia for the old dominion of high-bred cavaliers. But a student who would nothing extenuate nor set down aught in malice—*nec falsa dicere, nec vera reticere*—is bound to ascertain how far a convict element really pervaded our early plantations.

In this research he will find little help from our standard histories. Bancroft, in 1887, conversing with the present writer, freely admitted that, when speaking of felons among our settlers, he had been very economical in dispensing the truths he had

<sup>1</sup> Boswell's *Johnson*, II. 312; *Penny Cyclopædia*, XXV. 138.

discovered. Having a handful, he had opened only his little finger. He wrote too early to expect that American eyes could bear the light of full disclosures. Writing of the early Virginians, he said: "Some of them were even convicts; but it must be remembered the crimes of which they were convicted were chiefly political. The number transported to Virginia for social crimes was never considerable."<sup>1</sup> Most other writers have held that, among transports shipped to America, political offenders formed a large majority. Such criminals it was felt were less likely to be stained with moral guilt, and it was patriotic, if not natural, to exaggerate their number.

It seems certain that among the felons sent to New England, by far the largest element was made up of prisoners taken in battle. A letter from Rev. John Cotton to Cromwell, dated Boston, July 28, 1651, states that "sundry Scots taken by him at Dunbar, September 2, 1650, had arrived there and been sold, not for slaves to perpetual servitude, but for six or seven or eight years," etc. That the word "sundry" meant one hundred and fifty we learn from the British *Calendar, Domestic Series*, for 1650. On September 19, the Council of State ordered 150 Scotch prisoners delivered to be sent to New England by John Foot; on October 23, it was ordered that they be shipped away forthwith, and, on November 11, that they be delivered to Augustus Walker, master of the *Unity*, for transportation to New England.<sup>2</sup> In 1650 Dr. Stone, a Massachusetts agent, bought several Scotch prisoners from Tothill jail, London. Again, of the prisoners taken at Worcester, September 3, 1651, two hundred and seventy-two were shipped to New England on the *John and Sarah* from London, and arrived in Boston the following spring. Their names, derived from the "Hutchinson Papers," were printed in the *New England Historical and Genealogical Register* (I. 377).<sup>3</sup>

The number deported to Virginia from among the Scotch made prisoners at the battle of Worcester was much smaller than is generally stated. Thus, in Ballagh's *White Servitude in the Colony of Virginia*, a recent issue of the Johns Hopkins press, we read (p. 35): "Of the Scotch prisoners taken at the battle

<sup>1</sup> *History of the United States*, I. 443.

<sup>2</sup> It is possible that Foot and Walker each brought over 150 Scots, so that the whole number of Dunbar prisoners transported was 300.

<sup>3</sup> These Worcester prisoners are described through mistake by Winsor as having been made captives at Dunbar. *Memorial History of Boston*, I. 304; IV. 659. Both references are to the same misnomer. According to the latter, "in 1652 the *John and Sarah* arrived bringing 272 Scotchmen who had been taken prisoners at the disastrous battle of Dunbar," etc.

of Worcester sixteen hundred and ten were sent to Virginia in 1651." Bancroft gives some countenance to such an assertion. But Bruce, though he loves to swell the number of political transports, says, in his *Economic History of Virginia* (I. 608): "After the defeat of Charles II. at Worcester, his soldiers who were seized on that occasion were disposed of to merchants, and at least sixteen hundred were thus conveyed to America. The Parliamentary fleet in which they were transported sailed first to Barbadoes. . . . We have certain information of the arrival of only one hundred and fifty Scotch servants in the Colony when the fleet arrived in 1651." There is no certainty, however, as to even the handful which Bruce specifies. According to the *Domestic Calendar* for 1650, the Council of State, on September 19, really ordered nine hundred Scotch prisoners to be delivered to Samuel Clark for transportation to Virginia, and two hundred to Isaac Le Gay for the same purpose, — but on October 23 it ordered to stay these prisoners, "till assurance be given of their not being carried where they may be dangerous." Furthermore, Gardiner, the latest and most accurate historian of the Commonwealth (I. 464), declares there is no proof that these political felons were sent abroad at all. All we know is that certain Bristol merchants who had contracted to transport a thousand of them to New England, broke their contract. Those unfortunates, he thinks, may have been sent back to Scotland, in accordance with another order which he cites.

Regarding men implicated in Monmouth's rebellion, Ballagh says (p. 35), "a number of them were sent to Virginia in 1685." Bancroft was of the same opinion, and says "the suppression of Monmouth's rebellion gave to the colony useful citizens" with a page more of declamation (I. 471). The truth is that not one of Monmouth's 841 condemned men was sentenced to Virginia or shipped thither. Macaulay, Mackintosh, and the *Calendar* all agree that their destination was "Jamaica, Barbadoes, or any of the Leeward Islands in America."<sup>1</sup> If any were carried to Virginia, it was the remnant that did not prove salable on the islands. Hotten's list mentions Barbadoes and Jamaica often — but Virginia never as to Monmouth's men.

It seems well established that some political convicts had been introduced into Virginia in the time of Charles II. Thus Bruce relates (I. 611) that in 1678, when the uprising in Scotland had been suppressed, a considerable proportion of the prisoners

<sup>1</sup> Macaulay, *History*, I. 602; Mackintosh, *History of the Revolution of 1688*, p. 703; *Calendar*.

were shipped to America. The king in that year addressed a letter to Lord Culpeper, ordering him to permit Ralph Williamson to bring into the colony and to dispose of fifty-two persons implicated in the insurrection, and Culpeper was still further directed to suffer Williamson to land all others guilty of the same offences in Scotland who might be hereafter delivered to him. At the same time, as Bruce adds, the king ordered his provincial officers to treat as invalid all Virginia laws which prohibited the importation of British felons. Such laws may have been suggested by the chronicle that after the fall of Drogheda in 1649 the surviving prisoners were shipped across the Atlantic; that the next winter two vessels set out from London, with prisoners designed for the plantations in Virginia; that in 1653 Richard Netherway of Bristol was permitted to export from Ireland a hundred Tories, who were to be sold as slaves in Virginia; and that other batches, some still larger, of Irish unfortunates were there imported. Yet no proof appears that any of the Drogheda prisoners were transported to Virginia. Cromwell himself mentions Barbadoes as their destination.<sup>1</sup> The Scotch prisoners in the Preston campaign of 1648 were sent to Barbadoes.<sup>2</sup>

Some of the men at that time brought into Virginia from New York as convicts were felons only in the eye of martial law. Thus, previous to the year 1665, the English invaders of Long Island attacked New Amstel on South River. Many of the Dutch colonists they sold as slaves in Virginia.<sup>3</sup> Other convicts guilty of no moral transgressions came from other colonies. Thus, the General Court in Boston ordained that Quakers who had not wherewithal to pay their fines (and they were enormous) should be sold for bondmen or bondwomen to Barbadoes, Virginia, or any of the English plantations.<sup>4</sup>

After the Mar and Derwentwater rising, in 1716, two shiploads of defeated Jacobites, "out of His Majesty's abundant clemency," were deported, — eighty in the ship *Friendship*, and fifty-five in the *Good Speed*, and were sold in Maryland.<sup>5</sup> A most desirable class of political offenders would have come to both Virginia and New England, — and that in great numbers, — through the Conventicle Act of 1664. But that law, which expelled from England a noble army of martyrs, expressly forbade transporting them to either Virginia or New England, and so they were con-

<sup>1</sup> Carlyle, II. 66.

<sup>4</sup> Besse, *Sufferings of Quakers*, I. xxxi.

<sup>2</sup> Gardiner, *Civil War*, III. 448.

<sup>5</sup> Scharf, I. 385.

<sup>3</sup> *N. Y. Colonial Docs.*, II. 369.

signed to the torrid sugar islands.<sup>1</sup> If cargoes could not all be sold there, there is reason to think that the remnant in some way was carried on into continental colonies.

Some political offenders in the eighteenth century were, no doubt, sold into a longer or shorter American servitude. The *Historical Register* for 1718 notes (p. 46) a trial in the Admiralty Court of Mutineers on "a ship bound to the plantations with thirty prisoners taken in the late rebellion at Preston, whom they set ashore at St. Martin's in France," etc. Again, the *Gentleman's Magazine* states, on May 31, 1747, that "430 rebel prisoners from the jails of Lancaster, Carlisle, Chester, York, and Lincoln were transported this month from Liverpool to the plantations. Eight of them were drowned by a boat over-setting, not being able to swim because handcuffed. This number, with the rest, makes above a thousand rebels transported."<sup>2</sup>

But throughout the whole colonial era a large class, and probably a majority, of the convicts shipped to America were not political offenders. Details on this matter will be sought in vain where we have reason to look for them. Thus Hotten's table of contents includes "serving men sold for a term of years," but never shows that any one of them was a felon, except politically. Mr. Bruce, however, in his admirable *Economic History of Virginia*, devotes many pages to an inquiry how far the company under which the first plantation was made had been willing to accept criminal or dissolute persons for transportation (I. 589-600). He cites a declaration of that company in 1609, that they would accept no man who could not bring testimonials that he was moral and religious.<sup>3</sup> Yet in a sermon before that same company the next year, the preacher did not deny that they sent base and disordered men, but added that, "The basest and worst men trained up in a severe discipline, a hard life, etc., do prove good citizens."<sup>4</sup> The company's declaration must have been of a piece with the more modern law that no man not of good moral character shall be licensed to keep a saloon. In the next year, 1611, Governor Dale wrote from Virginia begging the king to "banish hither all offenders condemned to die out of common goales, and likewise to continue that grant for three years unto the colonie (and thus doth the Spaniard people his Indes) it would be a readie way to furnish us with men, and not allways with the worst kind of men," etc. He goes on to show that criminals would be better colonists

<sup>1</sup> Besse, I. xiv.

<sup>2</sup> XVII. 246.

<sup>3</sup> Brown, *Genesis of the United States*, 353.

<sup>4</sup> *Ibid.*, 364.

than "the three hundred he had been enforced to bring over gathered by peradventure."

It does not appear that the governor's request was granted, but there is no reason to think that he changed his opinion as to the colonial value of felons. He remained supreme in Virginia for five years afterward, and did much to build it up. It is not unlikely that he obtained some recruits of the criminal class he preferred. At all events, his suggestion was a leaven whose working was soon manifest. Sir Thomas Smith, in 1617, secured from Oxford jail five reprieved prisoners "to be transported to Virginia, or other parts beyond the seas." Others convicted of felony, as Knott and Throckmorton, delivered to him out of Newgate, arrived in Virginia in 1618.<sup>1</sup> Rogers, sentenced to be hung for manslaughter, was transported to Virginia on the ground that he was a skilful carpenter.<sup>2</sup> Carter and Francke, felons, came in 1622.

In 1619 the king had sent for transportation to Sir Thomas Smith divers young people who had been twice punished but not reformed, and the same year commanded the Virginia company to transport fifty similar criminals at once.<sup>3</sup> Bruce (I. 602) gives particulars concerning a dozen other felons, nine of them females, shipped to Virginia before 1636. Others in the reign of James I. — as Elizabeth Hendsley, or Ralph Rookes — are noted by the British editor of *Middlesex Records*,<sup>4</sup> as "interesting to persons seeking particulars touching the history of Virginia." The same records show others in the forties, and in 1655, under the Commonwealth, name ten felons, — six of them women, transported at once to Virginia, — using for the first time the word "transported" as a substitute for "reprieved," which had been previously used. They also record that in 1665 under Charles II. twenty-four convict felons were ordered to be shipped "within two months for the island (sic) of Virginia, or Barbadoes — or some other part of America inhabited by British subjects."<sup>5</sup>

In 1667 eighteen convicts were transported to Virginia<sup>6</sup> and in 1670 cattle-killers and burners of corn-stacks became liable according to statute either to death or to transportation to the plantations. The provincial authorities of Virginia, the same year, passed the notable act prohibiting the importation of convicts; but this act, like all others of a similar aim in all the colonies, was overruled and nullified by orders from the king to his Virginian and other

<sup>1</sup> Neill, *Virginia Vetusta*, 102.

<sup>2</sup> *Quia est de Arte le Carpentar* (sic).

<sup>3</sup> Neill, *Virginia Vetusta*, 103.

<sup>4</sup> II. 305.

<sup>5</sup> III. 337.

<sup>6</sup> Neill, *Virginia Carolorum*, 329.

provincial officers. For other reasons this prohibition did not prohibit. Planters both in the West Indies and in Virginia, which was reckoned a part of them far on in the eighteenth century, needed laborers, and welcomed a supply from whatever quarter. Negroes were brought from Guinea,—and from the British islands men who had been kidnapped, or had sold themselves to obtain a passage over the Atlantic, or had been sold by sheriffs to shipmasters who would contract to carry convicts beyond seas. All were bought for tobacco and set at work raising more. As Virginia's staple was tobacco, it naturally became a centre of white as well as black servitude, whether its victims were indented or not, and criminal or not. All fared alike.

The reason given in the act itself for the Virginia prohibitory enactment of 1670 is a proof that the convict element there was then not small. It speaks of "the great number of felons and other desperate villains sent hither from the several prisons of England," and adds that through such imports "we are believed to be a place only fit to receive such base and lewd persons."<sup>1</sup> But they still came. Narcissus Luttrell, in his diary,<sup>2</sup> remarks that a ship lay at Leith, going for Virginia, on board which the magistrates had ordered fifty lewd women out of the houses of correction and thirty others, who walked the streets after ten at night. Hugh Jones, a rector at Jamestown, took an optimistic view of felon imports, although, as he says in his book published in 1724, many attempts and laws to prevent too great a stock of them had been made in vain. According to his plan, convicts should be brought over at the expense of Virginia counties, and should thenceforth belong to those counties. From the avails of their labor, funds could be raised in every county. All public charges could be thus defrayed from the labors of their rogues and beggars without any tax upon honest and industrious people. "But such notorious villains as are sent over in chains for robbery or murder should be kept apart in chains still," etc. Satisfied that England was Japheth, the Indians Shem, and negroes Ham, Jones viewed the planting of Virginia as a plain fulfilment of Noah's prophecy, which he printed on his title-page: "God shall enlarge Japheth, and he shall dwell in the tents of Shem, and Canaan shall be his servant" (Gen. ix. 27). President Stith, two decades later than Jones, was more pessimistic, saying that "Virginia had come to be reputed another Siberia or a hell upon earth."

Virginia, in the present paper, has been chiefly spoken of as

<sup>1</sup> Hening, II. 510.

<sup>2</sup> November 17, 1692; p. 617.



the destination of convicts. It is made thus prominent in all documents which have come to the knowledge of the writer. But he is not ignorant that, according to Dr. Lang, all the nine colonies outside of New England were penal settlements, and that Lodge and other able writers maintain that Maryland received a larger felon quota than any other province. The whole number there, as estimated by Scharf, the Maryland historian,<sup>1</sup> was at least 20,000, about half of them after 1750. In all cases where Maryland has been found coupled with Virginia, the writer has so stated it. The *Historical Register* now and then mentions Maryland alone, saying that on October 4, 1726, about eighty felons-convict under sentence of transportation were taken out of Newgate and put on shipboard for Maryland in America, being joined on the river by several more convicts from Surrey and Kent. In 1665 certain convicts in England petitioned Her Majesty, the queen mother, in hope she would order them sent to her Maryland. As late as 1769, eighty seven-year convicts from Bristol are noticed by Scharf,<sup>2</sup> and Lodge maintains that "such importations continued there after they had ceased in other colonies," though such imports into Virginia were not declared illegal till 1788.

As Bristol, according to Macaulay, was specially infamous for kidnappers, so it shared largely in an allied branch of business, — the traffic in convicts. Hunt, the historian of that city, remarks (p. 142), "Toward the end of the seventeenth century, Bristol aldermen and justices used to transport criminals and sell them as slaves or put them to work on their plantations in the West Indies." A writer in *Notes and Queries*<sup>3</sup> holds this Bristol industry to have arisen still earlier, saying, "When Cromwell [and William, as well] had conquered Ireland, the Irish officers sought safety on the continent, while the rank and file were pressed to enlist in foreign service. As many as 34,000 men were thus hurried into exile. Widows and orphans the government shipped wholesale to the West Indies — the boys for slaves — the women and girls for mistresses to the English sugar-planters. The merchants of Bristol — slave-dealers in the days of Strongbow — sent over their agents to hunt down and ensnare the wretched people. Orders were given them on the governors of jails and workhouses, for 'boys who were of an age to labor and women who were marriageable, or not past breeding.'" <sup>4</sup> In the foregoing notice of Bristol exports, the words "West Indies" probably mean the best American market, no matter where. A curious chapter might be

<sup>1</sup> I. 371.    <sup>2</sup> II. 53.    <sup>3</sup> 7th Series, III. 58.    <sup>4</sup> Walpole's *Kingdom of Ireland*.

written on the word "Indies," and the historic mistakes which have resulted from misapprehensions of that geographical term. In 1652, Peter Heylyn, a standard English cosmographer, printed in his folio concerning the Western Hemisphere: "It is sometimes called the New World. Its most usual yet somewhat improper name is America. The most improper name of all, and yet not much less used than that of America, is the West Indies."<sup>1</sup> The English *Historical Register* for 1715 and long afterward, in its record of current events, constantly sets down under the heading "West Indies," news from Virginia, and even New York and Boston. Some of those whom Bristol vessels had transported were brought to New England and sold there. One result was that, in 1654, a committee appointed by the General Court of the colony of Massachusetts to consider proposals for the public benefit, submitted the following report:—

This Court, considering the cruel and malignant spirit that has from time to time been manifest in the Irish nation against the English nation, do hereby declare their prohibition of bringing any Irish, men, women, or children, into this jurisdiction, on the penalty of £50 sterling to each inhabitant who shall buy of any merchant, shipmaster, or other agent any such person or persons so transported by them; which fine shall be by the country's marshal levied on conviction of some magistrate or court, one-third to be to the use of the informer, and two-thirds to the country. This act to be in force six months after the publication of this order.

October 29, 1654.

DAN. GOOKIN,  
THOMAS SAVAGE,  
ROGER CLAPP,  
RICHARD RUSSELL,  
FRANCIS NORTON.

A similar act had been previously passed. There is a record of persons who, in 1652, made application for the remission of fines which had been imposed upon them for the offence specified above.<sup>2</sup>

New England legislation concerning the bringing in of transports for sale was very variable. In general, such imports were desiderated. In 1709 the General Court of Massachusetts offered a bounty of forty shillings to any one who would bring in and dispose in service (that is, sell into bondage more or less lasting) any white male between the ages of eight and twenty-five years.<sup>3</sup> No

<sup>1</sup> *Cosmographic*, Part II. 95.

<sup>2</sup> *Notes and Queries*, 7th Series, V. 266.

<sup>3</sup> *Mass. Acts and Resolves*, I. 634.

doubt Massachusetts wished to shut out bad immigrants. Hence a statute had been made in 1700 to fine shipmasters £5 for every passenger whose name, character, and circumstances they had failed to deliver in writing to the custom-house officer, who was bound to transmit that list to the town clerk. These names were those of servants as well as of others. In 1722 this penalty was increased to £100.<sup>1</sup> The rosters thus formed would have been a copious source of historical information. But they have been sought for long and vainly.

The opposition to Irish imports, perhaps never general, had soon worn away. In 1680 the governor of Massachusetts reported to the home government, "There may be within our limits about one hundred and twenty negroes, bought for about £20 apiece, and it may be as many Scotch brought hither and sold for servants in the time of war with Scotland, mostly now married and living here, and about half as many Irish brought at several times and sold as servants."<sup>2</sup> It seems surprising that the census of Scots was but little over one hundred, when more than four hundred of them had been imported within the last thirty years. The dwindling of their number is said to have come to pass from their being, spite of Cotton's humanitarian claims, largely exported and sold again into other colonies.<sup>3</sup> The original consignment of 272 Scots is suspiciously worded, and leads us to fear that if any of them could have been best disposed of in Barbadoes they would not have been sold in Boston.<sup>4</sup> For more than a hundred years afterwards Irish were brought into Boston and sold. No doubt some were felons, and whatever their antecedents they had good testimonials from their sellers. In 1730 Colonel Josiah Willard of Lunenburg, while in Boston, was invited to take a walk on Long Wharf and view some transports who had just arrived from Ireland. He observed a lad of some vivacity, and who was the only one he

<sup>1</sup> *Ibid.*, 452 ; II. 245.

<sup>2</sup> *Mass. Hist. Soc. Coll.*, 3d Series, VIII. 337.

<sup>3</sup> Proof that white slaves — or so-called "servants" — were sold from Massachusetts to the South just at the time when those imported from Scotland arrived is furnished by a document which came to the present writer's knowledge while his article was already in the press. In Boston Courthouse there is a bundle docketed 1650-1652. In this collection, No. 24,743 is entitled, "Filed account of servants." It gives the names, save one, of seventeen "servants at Pensilvania" and of twelve "servants at New York," with values which amount to £417. Though none of these names appear to be identical with the 272 printed in the *Genealogical Register* as Worcester prisoners shipped to Boston, the lists still countenance the opinion that two-thirds of the Scots sold into New England bondage were re-sold out of that region.

<sup>4</sup> *Geneal. Reg.*, I. 377.

found that could speak English. This boy, one of a number who had been put ashore to exhibit their activity to those who wished to purchase, said that he had been kidnapped and then sold by pirates in the Irish Sea to the Boston-bound vessel. Willard bought the boy, brought him up, and gave him his niece as a wife. This story, told by that wife, Susanna Johnson, in her *Captivity*, published at Walpole, N.H., in 1796, is curiously confirmed by Boston newspapers of 1730. The first issue of the *News-Letter* in October, 1730, says, "Entered, Dove, Sterling Capt. from Dublin." In the next issue we read, "Some servant lads on the ship Dove at the Long wharf; their time of service to be disposed of."<sup>1</sup>

If fewer transports were imported into New England than into more southern colonies, the reason was that they sold at higher rates in Southern markets, which also by their staple, tobacco, furnished better return freight to English vessels. Virginia and Maryland were held of more commercial value than all the other United States colonies. Imports were naturally in proportion to exports.<sup>2</sup> Some Northern colonies were planted, — to use an old writer's words, — as emunctories or sinks of states to drain away their filth. One of the earliest United States colonies was in Maine, at the Sagadahoc. Its founder was Chief Justice Popham. Says an old writer, Lloyd, "He provided for malefactors, and first set up the discovery of New England to employ

<sup>1</sup> The following paper is one of many proofs that Irish servants, so-called, sold in Boston in the middle of the eighteenth century, were sometimes convicts, and known to be by the sellers.

THE DEPOSITION OF PETER MONTGOMERY TAKEN THIS 6<sup>TH</sup> DAY OF JULY 1749.

Who being duly Sworn and Examin'd, Saith That about the last of September last, in the Town of Belfast in Ireland said Deponent was present, when Katharine McKoy and Mary McKoy were Deliver'd by The Subsheriff and Jaylor of the County of Down to James Potts, Merchant in said Belfast — That the said Weomen were brought aboard his Majesties Barge which barge carried both said Weomen aboard the Eagle sloop commanded by Oliver Airy to which Airy the aforesaid Potts was Security but dont know what [to what amount] to Indemnify him for carrying said transport Weomen to a place not allow'd by Law — That said two Weomen were for a while Confin'd under Deck — That they were used and called Convicts during the passage untill she made Harbour at Boston where said Potts treated the hands and others aboard by way of Bribe to conceal what they knew of said Weomen being Convicts as he Intended to sell them for Voluntary Servants — That the said Deponent was Present when the s'd Potts sold these Weomen and said they were good Spinners and honest Weomen as far as he knew.

PETER MONTGOMERY

Sworn to Inft: Court  
by s<sup>d</sup> Montgomery

Copy Examd

Middlecott Cooke Cler.

<sup>2</sup> Scharf, I. 384.

those who could not live honestly in the old country. Another contemporary, Anthony Wood, says: "Perham was the first person who invented the plan of sending criminals as servants or slaves, which says Aubrey, he stole out of all the ships in England." Thomas Fuller adds: "It was rather bitterly then thought and concerning one of our Western plantations, consisting mostly of dissolute people that it was very like England — as being spit out of the very mouth of it." It is not certain whether Bacon thought of Maine or Virginia or of general custom in planting colonies, when he wrote: "It is a shameful and unblooming thing to take the scum of people and wicked condemned men to be the people with whom you plant."<sup>1</sup>

In the first decade of Philadelphia, as in the infancy of most colonies, all laborers were welcome no matter what their previous condition, character, or other antecedents. Accordingly, in 1683, a shipper who had brought thither transports from England and intended to take them to Virginia, was summoned before the council. But he was armed with indentures which ran that his transports were "bound to serve him or his assignee for four years from their arrival in Virginia or any other part of America."<sup>2</sup> This formula was a natural expedient for giving the sellers of transports the largest choice of markets for their merchandise.

But Pennsylvanians were from early days opposed to receiving convicts. In 1722,<sup>3</sup> May 5, their assembly passed an act for imposing a duty on "persons guilty of heinous crimes, and imported into the province as servants or otherwise." They passed another in 1729.<sup>4</sup> The governor, however, like the chief magistrates in other provinces, was forbidden by the king to approve any act of this sort. In 1731, his instructions were as follows: "Whereas acts have been passed in America for laying duties on felons imported,—in direct opposition to an act of Parliament for the more effectual transportation of felons,—it is our royal will and pleasure that you approve of no duties laid on the importation of any felons into Pennsylvania."<sup>5</sup> Longing for a protective tariff was an original sin in Pennsylvanians, and their opposition to free trade may have been doubled by the determination of King George to force it upon them.

Convicts were exported to New York. In 1693, June 12, the Committee of Trade asked that all the convicts who were in New-

<sup>1</sup> *Historical Magazine*, XV. 339.

<sup>2</sup> *Essay of Plantations*, 1612 and 1624.

<sup>3</sup> *Penn. Colonial Records*, I. 161.

<sup>4</sup> *Colonial Records*, III. 163.

<sup>5</sup> *Ibid.*, III. 359.

<sup>6</sup> *Penn. Archives*, I. 306.

gate for transportation might be sent to New York.<sup>1</sup> In 1677, John Brown, a Quaker, was shipped from the island of Nevis to Long Island.<sup>2</sup> As early as 1630, the Dutch were zealous to build up their colony on the Hudson. With this view the government offered to men of property, or *patroons*, who would emigrate thither, vast tracts of land, and, further, that "their High Mightinesses shall exert themselves to provide the patroons with persons bound to service who shall be obliged to serve out their bounden time."<sup>3</sup> Persons, as the editor remarks, here means vagabonds who live in idleness and crime. Transports were desired in Rhode Island. In 1714, bringing in any Indian as servant or slave was prohibited under a penalty of £50. The reason given for this law was that such importations "daily discouraged the importing of white servants from Great Britain," etc.<sup>4</sup>

We have seen that orders from the Privy Council, or from judges and even inferior magistrates, sent felons convict into American colonies from their earliest stages; but nothing tended so powerfully and continuously and lastingly to bring about such deportations as a statute of 1718.<sup>5</sup> This act provided that persons convicted of clergyable offences, such as burglary, robbery, perjury, forgery, and theft, — after being sentenced to death, — might, if their crimes did not seem too heinous, "at the discretion of the court be transported to America for at least seven years," remaining punishable with death without further trial if they should return before the expiration of their sentence. A reason assigned for this enactment was the great want of servants (still a favorite euphemism for slaves) who might be the means of improving the colonial plantations and making them more useful to His Majesty.

Thanks to early English periodicals, the workings of this Georgian law are clearly traceable from first to last. On April 26, 1718, according to the *Historical Register*,<sup>6</sup> "twenty-nine male-factors at the Old Bailey were ordered to be transported." Before the end of the year, 134 were so ordered. On August 23, 1718, "106 convicts, that were ordered for transportation, were taken out of Newgate and put on board a lighter at Blackwall stairs, from whence they were carried through the Bridge to Long Reach, and there shipped on board the *Eagle* galley, Captain Staples commander, bound to Virginia and Maryland." In 1719, January 19, the names of those "cast for transportation" are given; six of the eighteen were feminine. "May 11, 105 out of Newgate,

<sup>1</sup> *N. Y. Col. Docs.*, IV. 31.

<sup>2</sup> Besse, II. 364.

<sup>3</sup> See *N. Y. Col. Docs.*, I. 99.

<sup>4</sup> *Rhode Island Colonial Records*, IV. 193.

<sup>5</sup> 4 Geo. I., c. 11; Blackstone, IV. 370.

<sup>6</sup> III. 19.

the Marshalsea, and several other country prisons, were put on shipboard, to be transported to Maryland." "October 27, 1720, 92 felons taken out of Newgate, and 62 out of the Marshalsea, were put on shipboard to be transported to Virginia." The notices in the *Historical Register* continue for ten consecutive years. During that decade the number ordered for transportation was 2138. Names are usually mentioned, and not a few are feminine. The destination, when not Virginia or Maryland, is American plantations, or America. "September 12, 1722, 35 were ordered for transportation. Among these was Sir Charles Burton of Lincolnshire, Bart., who was convicted of stealing a cornelian ring set in gold."

After 1727 no printed notice of transports is known to the present writer till the *Gentleman's Magazine* was started in 1731. The record there on Tuesday, March 9,<sup>1</sup> is: "Upwards of a hundred convicts were removed from Newgate to be transported to America." Other periodicals gave more particulars. Thus in the *London Magazine* of 1732 (I. 368) we read: "October 26, sixty-eight men and fifty women felons convict were taken from Newgate, and put on board a lighter to be carried down the river, to be shipped on board the *Cæsar* off Deptford, for transportation to Virginia." In this work, however, court reports ceased after a while; yet onward for more than forty years, even up to the opening of the American Revolution, the numbers "cast for transportation" are chronicled in the *Gentleman's Magazine*, but in the briefest form, usually with no mention of names or sex. A few culprits were noted as from jails in Gloucester, Salisbury, Monmouth, Exeter, Hereford, St. Edmunds, Newcastle, Kingston, Maidstone, Derby, Chelmsford, Winchester, etc. Soon, however, provincial transports were passed unnoticed. But those from the Old Bailey, who averaged more than a score at every session, never failed of a line. The first five volumes show a roster of 887 convict transports, and all subsequent volumes proportional numbers. It would not be safe to reckon the total of involuntary emigrants sent forth from the Old Bailey alone as less than 10,000 between 1717 and 1775.

There must exist sources of information more complete and exact than those the present writer has been able to discover, and showing the proceedings of all provincial courts as well as that in the metropolis. It is hoped that the publication of the present paper will arouse other investigators.

<sup>1</sup> I. 124.

The *London Magazine*, though not so persistent a chronicler as the *Gentleman's*, often furnishes fuller reports. The following is its account — much abridged — of Henry Justice, Esq. :—

Sat., May 8, 1736, came on . . . the trial of Henry Justice of the Middle Temple, for stealing out of the library of *Trinity-College*, Cambridge, a Field's *Bible* with cuts and Common-prayer, value 25 l., Newcastle's *Horse-manship*, value 10 l., several other books of great value, several Tracts cut out of books, etc. . . . The counsel of Mr. Justice were Mr. Winne, Mr. Agar, and Mr. Robinson. [After many objections, pleading not guilty, he was proved so by witnesses; he then claimed to be a member of the Trinity corporation, etc., but the jury found him guilty of felony within benefit of clergy. He was then charged with stealing other books, and after six hours pleaded guilty.] Mond. 10, Mr. Justice being brought to the Old Bailey to receive sentence, desired the court, — Lord Hardwick, Mr. Justice Denton, etc. — that as they had a discretionary power either to transport, or to burn in the hand, etc., he might not be sent abroad, which would, first, be a great injury to his children, and to his clients with several of whom he had great concerns. Secondly, for the sake of the University. He had numbers of books belonging to them, some sent to Holland, and if he were transported he could not make restitution. As for himself, he would rather go abroad, having lived in credit before this unhappy mistake, as he called it. He hoped the gentlemen of the University, several of whom he believed to be present, would intercede for him.

The Deputy Recorder, in a very handsome speech, commiserated his case, — telling him that his education, profession, etc., greatly aggravated his crime. After which he pronounced sentence — that he must be transported to some one of his Majesty's plantations in America — there to remain seven years, — and be put to death if he returned, etc.

It will be observed that the particular colony to which this legal luminary was doomed is not mentioned. Possibly, however, it is not beyond discovery. Seven days afterward, May 17, the *Gentleman's Magazine* chronicle is :—

A hundred felons-convict walked from Newgate to Black-fryars, and thence went in a close lighter on board a ship at Blackwall. But Weathercock the attorney, Messrs. Ruffhead, Vaughn, and Bird went to Blackwall in two hackney coaches, and Henry Justice, Esq., Barrister at law, in another, two hours after the walking felons, attended by Jonathan Forward, Esq. These five gentlemen of distinction were accommodated with the captain's cabin, which they stored with provisions, etc., for their voyage and travels.

The above-mentioned Weathercock, Ruffhead, and Bird had been condemned to death, but their sentence was commuted to



transportation for life.<sup>1</sup> The transatlantic career of Henry Justice has not been as yet ascertained. There is a possibility that he became the instructor of our foremost man. Jonathan Boucher, rector at Annapolis in 1768 and for many years before the Revolution, and tutor to Washington's step-son, Parke Custis, relates that George Washington, with whom he claims "very particular intimacy and friendship," had no other education than reading, writing, and accounts, which he was taught by a convict servant whom his father had bought for a schoolmaster.<sup>2</sup> "Not a ship arrives," adds Boucher, "with either redemptioners or convicts, in which schoolmasters are not as regularly advertised for sale as weavers, tailors, or any other trade; with little other difference that I can hear of, except perhaps that the former do not usually fetch so good a price as the latter."

A similar felon, perhaps a pedagogue, had been advertised thus in 1722: "Ran away from Rev. D. Magill, Upper Marlborough, Maryland, a servant, clothed with damask breeches and vest, black broadcloth coat, broadcloth cloak of copper color lined and trimmed with black, and wearing black stockings."<sup>3</sup> This runaway, having absconded so far that his antecedents were unsuspected, may then, thanks to his imposing outfit, if his demeanor did not belie the promise of his clothes, have secured a position which his reverend Presbyterian master would have envied.

In 1737, the next year after the advent of Henry Justice, when a vessel with transports arrived at Annapolis, she was found to have on board no less than sixty-six indentures signed by the mayor of Dublin (to serve as testimonials), and twenty-two wigs. Both wigs and indentures were denounced as "an arrant cheat detected, being evidently brought for no other purpose than to give a respectable appearance to the convicts when they should go ashore."<sup>4</sup> Supercargoes, who had bought as cheap as they could, sold as dear as they could. For this purpose, like other sellers, they used every art to make their wares as tempting as possible in the eyes of possible purchasers. Not a few of the involuntary immigrants had been kidnapped and spirited away, — and so were martyrs and innocents. More were gentlemen in

<sup>1</sup> *Gentleman's Magazine*, January 29, 1736.

<sup>2</sup> *Notes and Queries*, 5th Series, V. 503; Boucher's *Thirteen Sermons*, a volume of selections from his Maryland discourses, throws much light on the convict element there. In one of them, penned and prepared to be preached before the governor, etc., in 1773, he laments that two-thirds of the Maryland schoolmasters were convicts who were serving out a term of penal servitude; p. 182.

<sup>3</sup> Neill, *Terra Maria*, 213.

<sup>4</sup> *Ibid.*, 203.

manners and scholars in culture. This fact made buyers more credulous regarding the certificates of good moral character and the forged affidavits which sellers were always ready to furnish.

The *destination* of convicts is frequently unmentioned, and they were doubtless sent to those of the American plantations to which conveyance could be procured at the cheapest rate. The sheriff invited bids for transportation and shipped off convicts by the lowest bidder, and cared not where they were carried. But occasionally, as in 1753, July 13, when upwards of one hundred transports were shipped, it is added, "from Newgate for Virginia and Maryland."<sup>1</sup> The record of Old Bailey sentences, except in capital cases, is usually, as printed in the *Gentleman's Magazine*, a monotonous formula, — a numerical figure, then "*cast for transportation*." Frequently only this and nothing more. The most frequent addition is "*to the American plantations*." Further specifications are either to *Virginia* or *Maryland*, or both. But exceptional felons are shown up in characteristic details. Among these are such as follow.

In 1740, February 10, William Duell was transported for life. He had been hung at Tyburn, November 24, but when laid out for dissection at Surgeon's Hall, came to life. September 18, 1751, Philip Gibson, who had been condemned to death for a street robbery, would not accept the offer of fourteen years' transportation, and insisted on his former sentence, which was that he should be hanged. After the court had argued with him some time, he was continued to consider of it till the next sessions. October 21, Gibson accepted the commutation. September 19, 1750, Escote, a tobacconist, for buying 40,000 pounds of tobacco at sixpence a pound, was sentenced to fourteen years' transportation.

"1767, Feb. 10, fourteen transports from Durham, Newcastle, and Morpeth, were put on board the *Jenny*, Captain Blagdon, bound for Virginia, at which time ten young artificers shipped themselves for America [paying for passage by selling themselves into bondage for a long time after]. One of these indented servants has enlisted into 46 regiments, been whipped out of 19, sentenced to be shot six times, been confined in 73 jails, appeared under the character of quack doctor in seven kingdoms, and now is only in the thirty-second year of his age."<sup>2</sup>

<sup>1</sup> This record is the more notable as being the first one in which the word "transport" is used to mean a convict sent beyond sea. "Felons-convict," or "convicts," were the words before used. The word "transportation" is older, dating from 1597. — Blackstone, I. 137.

<sup>2</sup> *Gentleman's Magazine*, 92.

Not all felons shipped for America arrived there. "In 1748, Feb. 28, thirty-seven convicts, being the remains of 135 that suffered shipwreck in the Downs, bound for Maryland, made their escape out of a lighter in which they were brought back above London Bridge. The jailer has refused to receive them back." No doubt he was of the same type with watchman Dogberry who, when a vagrom man would not stand at his bidding, "called the rest of the watch together and thanked God that he was rid of a knave."

The following transported felon's adventure deserves to be classed with truths that are stranger than fiction: On May 13, 1773, a correspondent wrote the *London Magazine* as follows:—

Some time ago one Sarah Wilson, who attended upon Miss Vernon, sister to Lady Grosvenor, and maid of honour to the queen, having found means to be admitted into one of the royal apartments, took occasion to break open a cabinet, and rifled it of many valuable jewels, for which she was apprehended, tried, and condemned to die: but through the interposition of her mistress, her sentence was softened into transportation. Accordingly, in the fall of 1771, she was landed in Maryland, where she was exposed to sale and purchased. After a short residence in that place, she very secretly decamped, and escaped into Virginia, travelled through that colony and through North to South Carolina. When at a proper distance from her purchaser, she assumed the title of the Princess Susanna Carolina Matilda, pronouncing herself to be an own sister to our sovereign lady the queen. She had carried with her clothes that served to favour the deception, and had secured a part of the jewels together with Her Majesty's picture. She travelled from one gentleman's house to another under these pretensions, making astonishing impressions in many places, affecting the mode of royalty so inimitably that many had the honour to kiss her hand. To some she promised governments, to others regiments, with promotions of all kinds in the treasury, army, and the royal navy. In short, she acted her part so plausibly as to persuade the generality that she was no impostor. In vain did many sensible gentlemen in those parts exert themselves to detect and make a proper example of her; for she had levied heavy contributions upon some persons of the highest rank in the southern colonies. At length, however, an advertisement appeared, and a messenger arrived from her master, who raised a loud hue and cry for her serene highness. The lady was then on an excursion of a few miles to a neighboring plantation, for which place the messenger had set out when the gentleman who brought this information left Charles-town [Charleston].<sup>1</sup>

"1773, Jan'y 19. Five convicts were executed at Tyburn. John Lowe was to have been executed at the same time for return-

<sup>1</sup> *London Magazine*, XLII. 311.

ing from transportation. He was, however, reprieved because he had been transported for receiving a shilling for the carriage of a goose that had been stolen, of which theft he declared that he was ignorant" (p. 44).

The last record I discover of a transport chronicled in the *Gentleman's Magazine*, is in October, 1774. Then the Hon. Mrs. Elizabeth Grieve was sentenced for seven years. "Her offence was defrauding divers persons under pretence of procuring them places under the government. She had before rendered herself famous by pretending to be cousin to the Duke of Grafton, and to have various other connections of the first rank" (p. 492). It was very convenient for those who were pestered by poor relations to be able to ship them off over sea. In 1775 the self-same felons, who if convicted the year before would have entered America as slaves, came over as belligerent soldiers. At an earlier date their sentences had been sometimes commuted from transportation to enlistment.

Notices of the landing of convicts beyond the seas are not wanting, though not so frequent as the accounts of their shipment. American newspapers were few, and reporters fewer. But the *Boston Gazette* (May 8, 1753), says:—

Arrived at *Severn*, Maryland, April 5, the *Greyhound* with 90 persons doomed to stay 7 years in his Majesty's American plantations.

April 19, arrived from Biddeford 27 men and women for the well-peopling this or some other American plantation.

A report that a vessel with servants from Ireland was ashore at the Capes, and that the servants had mutinied and killed all the crew.

Again, 1755, July 10, "More than 100 seven year passengers have arrived at Annapolis." Now and then, Virginia and Maryland editors, as Scharf shows, exchanged ironical congratulations on safe arrivals of cargoes of king's passengers, and seven-year recruits. In a few instances we discover in Scharf the names of those who bought each convict in a shipload.

The *names* of felons transported are seldom mentioned in the *Gentleman's Magazine*, except in those cases when they returned and were sentenced to be hanged. Those names, however, I have ascertained to be all preserved and accessible by American genealogists who go abroad for tracing their ancestry. Accordingly, I have urged Mr. H. F. Waters, who has been employed in London for years in searching out the lineage of Bostonians, to betake himself to the Old Bailey. Its proceedings fill 110 manuscript volumes.<sup>1</sup> Here Mr. Waters may be sure of a harvest; elsewhere,

<sup>1</sup> *Notes and Queries*, 7th Series, IV. 395.

at Somerset House, the Herald's office, the records of archiepiscopal Canterbury, and so forth, he has gathered only gleanings, and those scanty by comparison. I have myself tested the Old Bailey archives. Reading in the *Gentleman's Magazine*, that on July 17, 1731, "3 were burnt in the hand, and 32 ordered for transportation." I asked *London Notes and Queries* to publish the names of the thirty-two transports. My request was printed October 15, 1887.<sup>1</sup> The very next month, November 12, the names of the thirty-two were all published. They were John Aldridge, Elizabeth Armstrong, *alias* Little Bess, Richard Bennet, Martha Brannan, John Brown, Hugh Cambell, Elizabeth Camphill, *alias* Cambell, William Carnegie, John Coghill, Henry Cole, Mary Coslin, Catharine Cox, John Cross, Eleanor Davis, George Emly, James Emly, John Haynes, James Hobbs, Thomas Jones, Antonio Key, Thomas Macculler, Martin Nanny, John Payne, Thomas Petit, Luke Powel, Daniel Ray, Elizabeth Roberts, John Rogers, Mary Row, Thomas Taylor, Anne Todd, Jane Vaughn. In the Old Bailey archives, then, the Japhets who seek for their fathers cannot fail to find a mine little explored and well-nigh exhaustless.

This chain of research is, however, weakened by a broken link. We discover John Smith's name in the Old Bailey books: but who can prove that when sold in America he did not go by another name? The master who had bought a wig for his chattel, would not grade him an aristocratic name in keeping with that dignifying decoration, especially as it might make a plebeian more salable. It is also possible that the name John Smith, even on the Old Bailey books, is itself a misnomer, and should have been written quite otherwise. Through such a series of aliases genealogical confusion is raised to a second power.

Our countrymen of *Scotch* descent, however, will at the Old Bailey meet with less genealogical helps than those of English origin. The reason is that the statute of 1718, thanks to which so many Englishmen left their country for their country's good, was not extended to Scotland until half a century afterward, in 1768. Dr. Franklin describes himself as protesting to the British Parliament against this extension. The old law, Franklin said, had been a great grievance, but if English felons were to be reinforced by Scotch, the burden would become intolerable. At all events, he claimed reciprocity. If Scotland must send her felons to the plantations, let the plantations send their felons to Scotland. But, speaking seriously, Franklin<sup>2</sup> called the emptying of English jails

<sup>1</sup> *Notes and Queries*, 7th Series, IV, 307.

<sup>2</sup> *Works*, X, 121.

upon the colonies the most cruel insult ever offered by one nation to another.

No question regarding convicts shipped to America is so hard to answer as that which relates to the particular colony in which each gang of them was put ashore. Mention of Virginia, Maryland, and Jamaica or Barbadoes is not infrequent, but I could find no notice of any single transport landed in New England except the Scotch and Irish of whom I have spoken. When I wrote to *Notes and Queries* asking for the name of such a New England convict, the name "Elizabeth Canning" was given me. Concerning Elizabeth Canning the notice in the *Gentleman's Magazine*<sup>1</sup> is this: —

1754, July 28. Elizabeth Canning is ordered to be transported to some of his Majesty's American colonies, and has been delivered to the merchant who contracted with the court, to be transported accordingly. And 'tis certain that in case she be found at large in this Kingdom before the expiration of seven years, she will be liable to the pains of death.

There is here no evidence that Elizabeth Canning was shipped to New England, rather than to some other American plantation. In a later volume, however, of the *Gentleman's Magazine*,<sup>2</sup> it is stated that "she died at Wethersfield in Connecticut in the year 1773, after having been married to a person of the name of Treat, or some name sounding like that." It is added that notice of her death appeared, in 1773, in Say's *Weekly Journal*. Writing once more to *Notes and Queries* in order to ascertain the name of the vessel in which Elizabeth Canning was transported, I received the following answer:<sup>3</sup> "If we can take the London Journals of 1754 to have been correctly informed, the name of the vessel in which Elizabeth Canning had her passage was the *Myrtilda*, Captain Budden, which cleared from Deal Aug. 26, and her destination was Philadelphia." The names of nineteen others who were sentenced to transportation at the same time with her were also furnished. But it still seems odd that a transport who was to be landed in New England should be put on board a vessel bound for Philadelphia. No doubt this vessel's homeward voyage was by way of New England.<sup>4</sup>

The present article is by no means so complete as the writer hoped to make it. His sources of information have been limited

<sup>1</sup> XXIV. 338. <sup>2</sup> LXXXIII., part 2, 337. <sup>3</sup> *Notes and Queries*, 7th Series, V. 457.

<sup>4</sup> From a descendant of the Treat family I learn that according to the record in an old family Bible, Elizabeth Canning, born in London, was daughter of Joseph and Elizabeth, and was married in 1756 to John Treat, and died at Wethersfield, Conn., on July 22, 1773.

as well as his ability to make full proof of them. His gleanings, picked from the wormholes of long-vanished days, may be material to serve future inquirers. The fragments he has gathered may lead to the discovery of complete reports. His research has filled him with surprise that our colonial convict element was so large. He is inclined to confess that English views on this matter have been more correct than those prevalent in America. He cannot wonder that Johnson, who, as one employed in editing the *Gentleman's Magazine*, had hundreds of times chronicled the reprieve of gallows-birds that they might be made American colonists, should hold in low esteem the regions they pervaded and peopled. It now seems more natural that he should speak as he did, and declare he could love everybody except an American, than the writer could at first believe. Nor can it do us any harm to see ourselves as others see us, looking to the hole of the pit whence we were digged as well as into the rock whence we were hewn. A new point of view must reveal new phases of truth.

We may reasonably come back from the byway of history we have been tracing, with optimistic feelings. How much of good has been evolved from evil! How many a lily, the perfection of purity and fragrance, has sprung up out of the mud of a marsh! "Saplings," says a Chinese proverb, "are crooked, but they will straighten as they grow up,—and the higher the straighter." That our country has become what it is, notwithstanding so much of baser matter was mixed with its pilgrims and martyrs, gives reason not only for thankfulness and astonishment that we behold such a survival of the fittest. It countenances a better opinion of human nature than has often been rife. Its testimony is in keeping with that of Siberia and Australia, but vastly more conclusive. It proclaims that many who have fallen will rise again if they have a chance, and more frequently and surely the more encouraging and stimulating their new environment.

"And like bright metal on a sullen ground,  
Their reformation, glittering o'er their fault,  
Shall show more goodly and attract more eyes,  
Than that which hath no foil to set it off."

JAMES DAVIE BUTLER.

## A PLEA FOR THE STUDY OF THE HISTORY OF NORTHERN EUROPE

THE earlier history of northern, or more especially of north-eastern, Europe has as yet attracted but small attention from western scholars. In England and America the ignorance about it is most profound, and the students who have contributed anything of value in this field could be counted on one's fingers. To be sure, the Germans have been too near the scene of action to neglect it entirely, while the French have at one time or another illuminated the history of the north with works ranging all the way from the most brilliant literature to the best fruits of modern scholarship. Thus it is hardly too much to say that the reputation of Charles XII. in the west is due rather to the famous biography by Voltaire than to his own character and actions, and most of the best foreign authorities on Russia to-day are to be found in France. Still, little enough is generally known about such subjects. The educated public has a vague idea that Gustavus Adolphus suddenly appeared from a hitherto unknown country, like a *deus ex machina*, to save the cause of Protestantism, and that Peter the Great forcibly converted a nation of barbarians, with no past worth troubling about, into a state with at least the superficial semblance of a civilized power. Even historians seldom realize that the interference of Gustavus in Germany may have been, from a Swedish point of view, "a serious blunder."<sup>1</sup> Indeed, his previous campaigns in Poland, though accidentally connected with the Thirty Years' War, and serving as a preparation for his part in it, were due to entirely independent circumstances, and would have taken place if the rest of the world had been at peace. Peter the Great likewise had predecessors who paved the way for his reforms, and the Russia which he turned into new channels can only be understood by a careful review of her previous history.

There are plainly three reasons which may make the study of northern Europe of value to us. On the first of these—the importance of Russia in the world to-day—we need not dwell, for

<sup>1</sup> *Charles XII.*, by Nisbet Bain.



everything connected with the development and conditions of such a mighty empire is obviously worth our attention. Its inhabitants, too, are a gifted people, destined to play more and more a leading part in the future of mankind. The truth of this, though insufficiently realized, is too evident for discussion. For her part, Scandinavia, which is holding her own well in literature and art, still has to be counted in politics. We must remember also that the great questions of the past are by no means all settled. The antagonism of the German and the Slav is as intense as ever; the dominion of the Baltic is as undetermined as that of the Mediterranean; Poland is dead; but the Polish nationality is full of life, gaining rather than losing strength in a way that makes its ultimate fate difficult to predict.

In the second place, we have to consider the influence the Scandinavians and Slavs have had on the western countries. We must begin by admitting that as regards institutions this has been slight. It is true that in Holstein the Dane has been but recently dislodged; and in the manners and life of the inhabitants of Pomerania, Brandenburg, or Austria, traces of Slav predecessors may reward the patient investigator, but, generally speaking, the interchange of ideas between the German and his more barbarous neighbors has been one-sided. On the other hand, no one can be well versed in the history of Germany without a study of the *Drang nach Osten*. For the fortunes of the Teutonic race the battle of Tannenberg was more momentous than that of Legnano, and the results of the colonization of the land beyond the Elbe and of the conquest of Prussia outweigh the brilliant but transitory glories of the struggle between the Empire and the Papacy. Even a survey of German civic institutions is incomplete without a knowledge of their workings in Stockholm, Riga, and Cracow. If we pass to Rome and the Church, we perceive that in the plans of the Jesuits and other leaders of the Catholic reaction, Poland and even Sweden at one time held a foremost place, while the dreams and enterprises of the Holy See, in her dealings with Russia, since the council of Florence, form a curious yet unfinished chapter of history. It was a pope that suggested and brought about the marriage between a tsar of Moscow and the heir of the last emperor of Constantinople. In fact, the Catholic Church has always looked to the east as well as to the west, more than once making concessions in the former quarter that she has sternly refused in the latter. On its side, the north, after the beginning of the seventeenth century, on several occasions interfered actively in the general affairs of Europe, in which

it took a more and more active part. Gustavus II. of Sweden arrested the progress of German Catholicism after Christian IV. of Denmark had failed in the attempt to do so. The ministers of the boy king Charles XI. joined the Triple Alliance, which checked the policy of Louis XIV.; while the Pole Sobieski dealt him a serious blow by saving Vienna from the Turks. The intervention of Charles XII., at one time not improbable, might have turned the balance either way in the war of the Spanish succession; Elizabeth of Russia was the most successful adversary of Frederick the Great, and Alexander I. triumphed over Napoleon.

When we turn to the history of Scandinavia, Poland, and Russia, for those peculiar features, or workings of great principles, that make a third reason for study and comparison, we have, in view of the endless variety of detail, to be on our guard against hasty generalization. All I shall attempt to point out here is a few salient features that call for attention.

One of the most important of these is the fact that we do not meet with the unity that so long prevailed in western Europe; no pope or emperor was recognized, however imperfectly, as the head of the community of Christendom. On the contrary, from the first we have the bitterest conflict of race and religion, hence the feeling of nationality seems always to have been intense, except for a time in the upper classes under the cosmopolitanism of the eighteenth century. The Russian, the Pole, the Dane, and the Swede were actively hostile to one another, as such, if not at an earlier date chronologically, at least at an earlier stage in their development than was often the case in the lands to the west of them. Each is, even now, hardly reconciled to his rivals. The fusion of conquering and conquered peoples was apt to be exceedingly slow; for instance, nearly seven hundred years of German predominance over inferior races have left the German and the Germanized with hardly more than eight per cent of the population of the Baltic provinces. True, there were instances of peaceful absorption of Slavs by Germans, as in Pomerania and Silesia, but this process was checked in Poland by a distinct national reaction in the beginning of the fourteenth century; nay, long before this, when their country was first converted to Christianity, the Poles, unable as yet to furnish their own clergy, called in foreigners from France and Italy rather than from their near neighbor the Empire. Even Panslavism was preached by the Servian monk Kryzhanich two hundred and fifty years ago. It would be easy to multiply such examples of national consciousness. In Moscow it reached a degree of Oriental isolation unsurpassed by

the Chinese, and yet, like the Chinese, the Muscovites have shown a remarkable capacity for assimilating foreign elements. The reasons for these phenomena are complicated enough; indeed, to the student of the difficult and fascinating question as to why one race, or language, tends to prevail over another, the history of northern Europe is full of problems of the deepest interest.

This applies equally when we come to matters of religion. Russia is the one mighty empire converted to the Greek Orthodox form of faith. She offers us the best chance to examine the effect of the ideas and the belief of Constantinople, imparted to a fresh, uncivilized people.

After the fall of the Rome on the Bosphorus, Moscow was hailed as the third Rome that was to rule the world, and its prince as the one monarch who maintained the true belief undefiled by Latin heresies. Here we find no conflict between the state and a clergy which was kept in a Byzantine subservience to its sovereigns, yet the hold which the Church had on the people was tremendous. In the time of trial they clung to it with unwavering steadfastness. Thus western Protestantism never had an influence upon Holy Russia itself until recent years, though it made a few converts among the Russian nobles of Lithuania. Against the many open or insidious attacks of its ancient foe, Roman Catholicism, Orthodoxy also held its own. Ivan III., with all his people, rejected scornfully the reconciliation effected by the council of Florence, and the dreams of so many popes of winning over the northern power have always been chimerical. We see, too, in the north of Europe, even more than elsewhere, the close, if subtle, connection between religion and nationality. To the uneducated Russian to-day the Protestant is a German, and the Catholic a Pole, as naturally and inevitably as the Mussulman is a Turk or Tartar.

Poland for her part has been the greatest battle-ground of the Greek and Latin faiths. Her eastern division, Lithuania, was chiefly inhabited by Orthodox Russians; in fact, it appeared at one time as if the pagan Lithuanians themselves would soon accept the same creed, had not a marriage for political reasons, the first step in the persevering policy of the Polish aristocracy, changed the natural course of affairs. By the conversion of Jagello of Lithuania and his marriage to Hedwiga of Poland in 1386 the two states were drawn together by a bond that was continually tightened till they were merged into one by the union of Lublin in 1569. White and Little Russia were long separated from Great Russia, to become part of a country in communion with the west,

their nobility in time adopting more and more the Polish language and belief. For a space, indeed, Poland herself seemed likely to be untrue to Rome, for Protestantism spread rapidly and superficially among her nobles, greedy for church wealth, and took deeper root in the German portion of the population; but when the day of reaction came, when the Jesuits who had been brought into the land set to work with marvellous skill and activity, Protestantism, except among the Germans, vanished after a feeble resistance. Against Greek Orthodoxy, however, the ability and learning of the Jesuits, supported by all the intolerance of king and noble, had a far more serious conflict. The Catholic Church only triumphed by a compromise such as was refused to the reformers of Germany. The United Greeks were not only allowed to have married priests, but kept their Slav liturgy; yet even the attempt to impose this compromise was perhaps the chief cause of the desperate insurrection of the Cossacks, ending in the loss of Kiev and the Ukraine, which marks the beginning of the fall of Poland.

The rôle of Sweden in the religious history of Europe needs no comment; we shall but note that the Reformation, complete as was its success, was not in answer to any popular demand, but was peaceably brought about by an able ruler for worldly reasons.

Turning now to questions of government and constitutional development, here also we find much to interest us, including examples of many kinds, with striking cases both of similarity and contrast. Take, for instance, Poland and Russia. In the tenth century we behold them settled by tribes of the same race, at the same primitive stage of development, with the same general political organization and institutions. The lands inhabited by the two peoples were similar, with hardly a pretence of natural geographical divisions where one should end and the other begin. Compare this with the situation of the two nations six hundred years later, when not only was one ardently Catholic and the other the sole great Orthodox power, but Russia had become an eastern despotism, where the proudest boiar called himself the slave of the tsar; while in Poland the authority of the king had sunk to a shadow, and the nobility, under the name of "golden liberties," had gradually elaborated the most impracticable constitution ever found in a civilized country. Among other distinctive features in Russia, we have also the brief but instructive history of States-Generals that at one time had a very real authority; in Poland, the tale of the long conflict between the Magnates and the Szlachta, or democratic gentry; in Denmark we find the aris-

tocracy, by its privileges and unpatriotic selfishness, crippling the state at the most critical moments, in a way that was only less fatal than was the case in Poland; in Sweden the contest between the nobles and the crown had more vicissitudes than anywhere else, even if they were not always marked by great bitterness of feeling. During the three centuries from Gustavus I. to Gustavus III., the balance of power changed from one side to the other eight times, with the varying fortunes of Sweden, and the ability of her sovereigns, which for a long time was far above the average.

It is true that in the domain of local government we meet with less variety; the cities of Poland had mostly Magdeburg or Culm rights, and German influence was equally strong in Scandinavia. In Russia, on the other hand, we find a totally different development. The Veche or popular assembly, of which we must remember that there is no trace in Poland, existed from early times in most, if not in all, of the towns. Especially the history and character of Novgorod the Great, and of her younger sisters, Pskov and Viatka, are well worth the attention of students of civic institutions.

Finally, to those who are interested in the influence of physical geography on character and history; to the investigators of the life, conditions, and progress of all classes of society, at different ages; to the lover of folklore, dramatic incident, picturesque biography, and military strategy, as well as to the student of political economy, commerce, or literature, the history of northern Europe offers a field that will richly repay the labor devoted to it.

ARCHIBALD CARY COOLIDGE.

## THE VATICAN ARCHIVES<sup>1</sup>

OF all the great repositories of historical documents, the archives of the Papacy possess the widest interest. Other collections may contain more for the history of the particular country in which they have been formed, but the papal archives are unique in being international and universal as well as local. During a period of seven hundred years the collections of the Vatican reflect every phase of the many-sided activity of the Roman church; of the first importance for Rome and Italy, they at the same time contain material for the history of every part of Catholic Christendom, however obscure or remote. "The keys of Peter are still the keys of the Middle Ages," wrote Pertz after his brief visit to the Vatican in 1823, and recent explorations under more favorable conditions have served to confirm the statement as essentially true of the later Middle Ages and to extend it to certain parts of the modern period as well.<sup>2</sup> It is the purpose of this article to indicate briefly the nature and contents of the Vatican collections and to show the directions in which research and publication have been most active since the archives became accessible to students.

It should be remarked in the first place that the present papal archives, extensive as they are, represent but a relatively small portion of the immense mass of documentary material which has at one time and another been the property of the Holy See. Besides the enormous number of documents which were sent out from Rome in the ordinary course of business and which one would naturally expect to find elsewhere, the papal archives themselves have suffered from carelessness, plunder, and the accidents of numerous transfers, so that the greater part of their contents

<sup>1</sup> My acknowledgments are due to Father Ehrle, prefect of the Vatican library, and to the sub-archivist, Monsignor Wenzel, for their kindness on the occasion of my visits to the Vatican; I am also indebted to Hofrath von Sickel, director of the Austrian Institute in Rome, and Dr. von Ambros, its librarian, to M. Coulon, of the École Française de Rome, to Señor Altamira of Madrid, and to Dr. Koser, director of the Prussian archives.

<sup>2</sup> *Archiv der Gesellschaft für ältere deutsche Geschichtskunde*, V. 24. Compare Munch, *Aufschlüsse über das päpstliche Archiv*, Berlin, 1880, and Pastor, *Geschichte der Päpste*, preface to Vol. I.

has passed into other hands or disappeared. While a place for the deposit of archives is known to have existed at least as early as the time of Damasus I. (366-384),<sup>1</sup> the present collection contains no originals of the early Middle Ages and no continuous series before the pontificate of Innocent III., and in the subsequent period the gaps are numerous and important. Serious losses undoubtedly took place in the course of the wanderings of the archives from place to place during the Middle Ages and again on the occasion of their transportation to Paris by order of Napoleon I., but it must be remembered that the documents were preserved primarily, not as historical sources, but as evidences of papal rights or as aids in the transaction of business, so that much which would have the greatest interest at the present time was doubtless destroyed by the officials themselves as of no permanent value. Then, too, in the sixteenth and seventeenth centuries, when no clear distinction was made between public and private papers, the archives suffered from spoliation at the hands of the great Roman families, in whose private libraries many important series must now be sought. The Archivio di Stato at Rome also possesses documents and copies from the papal archives, acquired by the suppression of the Roman monasteries, and other pieces are still more widely dispersed.

The various groups of documents which at present constitute the archives of the Holy See do not form a single collection under one administration. Just as in the various European states there exist separate archives of war, of marine, of foreign affairs, etc., so the various departments of the papal administration have their own repositories of records and papers, separately preserved for the recent period at least, when, as in some cases, the earlier series have been united with the central collection. It thus happens that besides the principal collection there exist the separate archives of the Consistory, the Dataria Apostolica, the Tribunal of the Rota, the Secretaria Brevium, the Signatura Gratiae, the Penitentiary, and the Master of Ceremonies, as well as those of the congregations of the Index, the Holy Office, and the Propaganda, and the special repositories belonging to the Sistine Chapel and St. Peter's.<sup>2</sup> The only one of these that is regularly open to

<sup>1</sup> Bresslau, *Handbuch der Urkundenlehre*, I. 120 ff., where the history of the papal archives is briefly traced.

<sup>2</sup> See particularly Hinojosa, *Los Despachos de la Diplomacia pontificia en España*, I. xlvii-lv. The archives of the Master of Ceremonies, containing the greater part of the papal diaries, are described by Ehrle in the *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, V. 587-602.

scholars is the more ancient part of the archives of the Consistory, whose historical importance was first brought to general notice by Pastor. Here are preserved the acts of the Consistory and many of the reports and documents upon which these acts are based, extending from the beginning of the fifteenth century and containing material of much value for ecclesiastical history.<sup>1</sup> The archives of the Propaganda, for some years open to the public, are now closed, as their constant use by investigators was found to interfere with the current business of the congregation. The series, which is unusually complete, is of capital importance for the missionary labors of the Roman church; it has been explored particularly with reference to the religious history of Bohemia and the southern Slavs.<sup>2</sup> Leaving these lesser archives aside, we shall concern ourselves chiefly with the great central collection, the Archivio Segreto Vaticano, the Vatican archives *par éminence*.

Long kept rigorously secret and utilized only by the officials and by certain exceptionally favored historians,<sup>3</sup> the Archivio Segreto has become freely accessible to students through the liberality of the present Pope. The signs of the new policy were manifested in 1879, when Professor Hergenröther of the University of Würzburg, one of the foremost Catholic scholars of his day, was promoted to the rank of Cardinal and placed in charge of the archives, which were thus put on an equality with the library. After the necessary preparation had been completed, the archives were formally thrown open in January, 1881.<sup>4</sup> Since that date the

<sup>1</sup> See Pastor, *Geschichte der Päpste*, I<sup>2</sup>. 689-693, and the detailed account, with extracts, in Korzeniowski, *Excerpta ex libris manu scriptis Archivi Consistorialis Romani*, Cracow, 1890.

<sup>2</sup> On the archives of the Propaganda in general and the various publications from them before 1887, see Pieper in the *Römische Quartalschrift*, I. 80-99, 259-265.

<sup>3</sup> Pertz, Palacky, and some others succeeded in seeing certain pieces; the Norwegian scholar, P. A. Munch, seems to have been the only outsider admitted within the precincts of the archives, and this by a stretch of authority on the part of Theiner, who was then archivist. Cardinal Antonelli is said to have remarked that only three persons were allowed to enter the archives, namely, the Pope, the archivist, and himself; whoever else entered without a special dispensation of the Pope was *ipso facto* excommunicated. *Archivalische Zeitschrift*, V. 78.

The earlier publications from the archives lie beyond the scope of this article; that they were by no means inconsiderable may be seen by reference to the various Bullaria, Raynaldi's continuation of the *Annales Ecclesiastici* of Baronius, and the numerous collections edited by Theiner.

<sup>4</sup> Of the numerous articles called forth by the opening of the archives see in particular Gottlob in the *Historisches Jahrbuch*, VI. 271 ff., and Löwenfeld in the *Historisches Taschenbuch*, 1887, 281 ff. The attitude of Leo XIII. toward historical studies is set forth in an interesting letter to Cardinals Luca, Pitra, and Hergenröther, August 15,



archives have been enriched by the purchase of the Borghese collections and by the transfer of valuable series from the Lateran, a larger consultation room has been provided, and an excellent reference library, the Bibliotheca Leonina, has been formed for the use of workers in the archives and manuscripts of the Vatican.<sup>1</sup> Leo XIII. has in other ways shown his interest in historical studies, notably by the establishment of the Historical Commission of the College of Cardinals, for the encouragement of the study of history among the Italian clergy, and by the institution in the Vatican of courses of systematic instruction in paleography and diplomatics, designed particularly for the training of archivists for the pontifical and other ecclesiastical archives.<sup>2</sup>

Access to the archives is now granted by the prefect to every investigator, without distinction of faith, upon the receipt of a written application accompanied by an official recommendation or a personal letter to one of the archivists. The archives are open every morning from half-past eight until twelve, with the exception of Sundays, Thursdays, and festivals and during the short vacations which occur at Christmas, Carnival time, and Easter. They are also closed from June 28 to September 30 inclusive, so that the actual number of working days averages scarcely more than three a week throughout the year. The well-lighted consultation room, situated on the ground floor, under the library and opposite the papal gardens, has seats for about sixty readers; although larger than the room formerly in use, it is frequently crowded, so that regular attendance is necessary to insure a place. Visitors are struck at once by the air of quiet activity which pervades the room, and the evident determination of every one to make the most of the short time at his disposal. In general, documents anterior to 1815 are freely communicated, although the archivists may reserve pieces of a private nature (*carattere riservato*) "which cannot be given publicity for reasons of public interest, religious and social." Notes and copies must be submitted to examination before being taken away.<sup>3</sup> Where the exact indica-

1883, to be found in Vering's *Archiv für katholisches Kirchenrecht*, L. 428 ff., and in a French translation in the *Revue des Questions Historiques*, XXXIV. 353 ff.

<sup>1</sup> Opened in 1893. See *Historisches Jahrbuch*, XIV. 477-483.

<sup>2</sup> The exercises of the school, which was established by Motu Proprio of May 1, 1884 (*Studi e Documenti di Storia e Diritto*, VI. 106-108), are by permission open to others besides members of the clergy. During the past year they have been attended with profit by students of the American School of Classical Studies.

<sup>3</sup> Regulations established by Motu Proprio of May 1, 1884. They are published, as of 1894, in the *Revue Internationale des Archives, des Bibliothèques, et des Musées*, series *Archives*, I. 97.

tion is known, documents are brought promptly, but every extended investigation is likely to involve numerous delays and difficulties, for while there are excellent inventories and indexes prepared in the last century, these are not freely accessible nor are their indications always sufficiently sure or precise. "It is true of the Vatican archives more than of others," says Sickel,<sup>1</sup> "that only a part of the material for a given subject lies on the surface; merely to get track of the rest requires, not only tedious search, but the active assistance of the officials, who alone are familiar with the contents and disposition of the archives and able to follow up what is scattered and misplaced." It should be added that the archivists freely and cheerfully give such assistance, so far as their time permits, and their helpfulness is warmly appreciated.

A description of the contents of the Vatican archives is a matter of some difficulty, as no general inventory has been published, and the system of classification is in many cases the result of historical accidents rather than of the application of any logical principle. In the following brief account emphasis has been laid upon the historical interest of the various groups of documents rather than upon the details of their arrangement.<sup>2</sup>

Probably the most important section of the Vatican archives is the great series of *regesta*, consisting of copies of papal letters, which extends with few breaks from the time of Innocent III. The order of the letters in the volumes is roughly chronological; in course of time they were divided into various classes (*litteræ curiales, communes, camerales*), according to subject matter or form. Beginning with the papacy of Boniface IX., two series were kept, one at the Vatican and one at the Lateran, and we later find still other registers for the less formal types of letters—breves, signatures, etc.—which came into existence in the course of the fifteenth century.<sup>3</sup> To the historical student these volumes of registers are invaluable. They preserve the contents of a vast number of bulls and breves otherwise unknown, and even where

<sup>1</sup> *Mittheilungen des Instituts für österreichische Geschichtsforschung*, XIII. 371.

<sup>2</sup> According to Ehrenberg (*Italienische Beiträge zur Geschichte der Provinz Ostpreussen*, X.) the number of volumes in the Vatican archives is estimated at 2,450,000. Detailed descriptions exist for many parts of the collection; it would be a great convenience if some one would bring them together into a manual which should indicate, so far as is at present known, the character, number of volumes, and chronological limits of each series. At present the best summary account is that given by Langlois and Stein in their *Archives de l'Histoire de France*, 743-757.

<sup>3</sup> See Palmieri, *Ad Vaticanæ archivum Romanorum pontificum Regesta Manuductio*, Rome, 1884, a useful inventory of the registers with some account of the history of the collection.

the originals have been preserved, comparison with the registers yields important results for the science of diplomatics. As may be seen from any of the published volumes, the subject matter of the registers is of the widest possible variety, and relates to all parts of Christendom; nowhere else does one gain so vivid an idea of the widespread activity of the Papacy and its intimate relations to every phase of contemporary life. Besides constituting an official and unimpeachable source for papal history, the registers are of much importance for the local, and particularly the ecclesiastical, history of the various countries of Europe, and they yield valuable information for economic history and for the history of literature and the arts. Since 1881 the attention of scholars has been busily devoted to the registers, so that they may now be considered the best known portion of the archives. The registers of Innocent III. were printed by Baluze in the seventeenth century; those of Honorius III. have recently appeared as an official publication from the Vatican, while the registers of the other popes of the thirteenth century and of Benedict XI. have been undertaken by members of the French school at Rome, and those of Clement V. by the Benedictines of Monte Cassino. After the beginning of the pontificate of John XXII. the amount of material contained in the registers becomes so vast that scholars have given up the idea of publishing it in full, and have contented themselves with excerpting that which relates to each country or locality. The only general publication for the later period is the registers of Leo X., begun by Cardinal Hergenröther and discontinued since his death.<sup>1</sup>

<sup>1</sup> Pressutti, *Regesta Honorii papa III.*, Rome, 1888-1895. *Regestum Clementis papa V.*, Rome, 1885-1888; a concluding volume of indexes is in preparation. Hergenröther, *Leonis X. pontificis maximi Regesta*, Freiburg i. B., 1884-1888. Of the series published under the auspices of the École Française the only publication as yet complete is the registers of Honorius IV., edited by Prou. The others are appearing with varying degrees of rapidity—Gregory IX. by Auvray; Innocent IV. by E. Berger; Alexander IV. by Bourel de la Roncière, de Loye, and Coulon; Urban IV. by Dorez and Guiraud; Clement IV. by Jordan; Gregory X. and John XXI. by Guiraud and Cadier; Nicholas III. by Gay; Martin IV. by Soehnée; Nicholas IV. by E. Langlois; Boniface VIII. by Digard, Faucon, and Thomas; and Benedict XI. by Grandjean. A number of letters from the registers of the thirteenth century, copied by Pertz for the *Monumenta Germaniae Historica* in 1823, have recently been published under the editorship of Rodenberg: *Epistola saeculi XIII e Regestis pontificum Romanorum selecta*, Berlin, 1883-1894. See also the beautiful volume of facsimiles published by Denifle, *Specimina palaeographica Regestorum Romanorum pontificum ab Innocentio III ad Urbanum V.*, Rome, 1888.

The more important of the local publications will be mentioned below under the countries concerned. For the numerous discussions of the diplomatic questions arising in connection with the study of the regesta, reference must be made to special works on

A valuable supplement to the registers is formed by the *libri supplicationum*, or records of the petitions in answer to which the papal bulls were issued, which often contain interesting matter omitted in the bulls. The series begins with Clement VI., but is by no means complete; it has been utilized particularly by Denifle, and after him by others who have concerned themselves with the history of universities.<sup>1</sup>

Scarcely inferior to the registers in interest, are the documents relating to the financial administration of the Holy See, which first become abundant toward the close of the thirteenth century, when the increased need of money and the decline of the income from the patrimony of St. Peter began to lead to the development of new sources of revenue and a more complete system of financial administration. Besides the financial material contained in the registers, of which a special series of *regesta cameralia*<sup>2</sup> was formed under Urban IV., we have, for the fourteenth and fifteenth centuries, six hundred volumes of *collectoriae* and nearly four hundred of *introitus et exitus cameræ apostolicæ*. The *collectoriae*, together with the related series *libri obligationum* and *libri solutionum*, contain reports of the collectors sent out from Rome into the various parts of Europe, records of payments made directly to the papal treasury, and minutes of the financial obligations of bishops, abbots, and other high ecclesiastics. In addition to their direct value to the student of papal finance, the reports of the collectors are of considerable importance for ecclesiastical geography and local history, and constitute a source of the first rank for the monetary history and general economic conditions of the period.<sup>3</sup> The *introitus et exitus* comprise two sorts of records, the

papal diplomatics. An idea of the activity with which research has been carried on in the registers may be gained from Schmitz, *Uebersicht über die Publikationen aus den päpstlichen Registerbänden des XIII.-XV. Jahrhunderts vornehmlich seit dem Jahre 1881*, in the *Römische Quartalschrift* for 1893 (VII. 209-223, 486-491).

<sup>1</sup> See in general Kehr, in *Mittheilungen des Instituts*, VIII. 84 ff., and Erler in *Historisches Jahrbuch*, VIII. 487 ff.; and with special reference to the history of universities, Denifle, *Die Universitäten des Mittelalters*, I. xx., the cartularies of Paris and Montpellier, and Fournier, *Les Statuts et Privilèges des Universités Françaises*, with Denifle's additions.

<sup>2</sup> On which see Ottenthal, in *Mittheilungen des Instituts*, VI. 615-626.

<sup>3</sup> Besides the earlier publications of Theiner and Munch, see especially Kirsch, *Die päpstlichen Kollektorien in Deutschland während des XIV. Jahrhunderts*, Paderborn, 1894, and the first volume of the *Monumenta Vaticana Hungaria*. The *libri obligationum* have been of much assistance to Father Eubel, who is engaged in the preparation of a more correct *Series Episcoporum*. The value of the financial records of the Papacy as a source for local history is exemplified by Glaser, *Die Diözese Speier in den päpstlichen Rechnungsbüchern, 1317 bis 1560*, published as Vol. XVII. of the *Mittheilungen des historischen Vereines der Pfalz* (1893).

books in which the various officials noted their receipts and expenditures, and the general accounts in which the items of the year were entered. Expenditures are given in minute detail, payments for oil and tapers, oats and fodder, the wages of the cook and other domestics appearing along with those for larger matters, so that an excellent idea is afforded of the daily life of the papal household.<sup>1</sup> Taken with the *regesta cameraria*, these accounts indicate very exactly the different directions of papal activity; they have been utilized by Ehrle and Faucon for the history of the papal library, and by Müntz and Faucon for the history of art, and are capable of furnishing information on many other subjects.<sup>2</sup>

Recent researches in the archives have thrown light upon several of the sources of papal revenue, notably the *census*<sup>3</sup> and the annates,<sup>4</sup> the taxes for the Crusades,<sup>5</sup> the taxes of the chancery<sup>6</sup> and the penitentiary,<sup>7</sup> and the expenses attendant upon letters of provision<sup>8</sup> and upon ordinations and consecrations at Rome;<sup>9</sup> but many questions still remain obscure. Indeed, the whole matter of papal finance is one of the least understood subjects in the history

<sup>1</sup> See, for examples, the first volume of appendices to the *Regestum Clementis papa V.* Interesting items of household expenditure were published by Gregorovius in the *Historische Zeitschrift*, XXXVI. 157-173, from volumes in the Archivio di Stato at Rome; Gregorovius was surprised at the simple and economical style of living they indicate among the Popes of the fifteenth century. On the abundant material for papal finance in the Archivio di Stato see Gottlob, *Aus der Camera Apostolica des 15. Jahrhunderts*, Innsbruck, 1889, and Meister, *Auszüge aus den Rechnungsbüchern der Camera Apostolica zur Geschichte der Kirchen des Bisthums Strassburg*, in *Zeitschrift für die Geschichte des Oberrheins*, VII. 104-151. Papal accounts from the library at Prato are given in the *Archivio Storico Italiano* for 1884.

<sup>2</sup> See the works cited by Langlois and Stein, 753. Hayn, *Das Almosenwesen unter Johannes XXII.* (*Römische Quartalschrift*, VI. 209-219), publishes the first installment of a study of papal charities on the basis of the *introitus et exitus* of the Avignonese period.

<sup>3</sup> Fabre, *Étude sur le Liber Censuum de l'Église Romaine*, Paris, 1892; see also his edition of the *Liber Censuum* and various briefer articles on the same subject.

<sup>4</sup> Kirsch, *Die Annaten und ihre Verwaltung in der zweiten Hälfte des 15. Jahrhunderts*, *Historisches Jahrbuch*, IX. 300-312.

<sup>5</sup> Gottlob, *Die päpstlichen Kreuzzugssteuern des 13. Jahrhunderts*, Heiligenstadt, 1892.

<sup>6</sup> Tangl, *Das Taxwesen der päpstlichen Kanzlei vom 13. bis zur Mitte des 15. Jahrhunderts*, *Mittheilungen des Instituts*, XIII. 1-106; and compare Bacha in the *Compte-rendu des séances de la Commission royale d'Histoire de Belgique*, 1894, 107 ff.

<sup>7</sup> Denifle, *Die älteste Taxrolle des apostolischen Pönitentiars*, *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, IV. 201 ff.; Lea, *The Taxes of the Papal Penitentiary*, *English Historical Review*, July, 1893.

<sup>8</sup> Mayr-Adlwang, *Ueber Expensrechnungen für päpstliche Provisionsbullen des 15. Jahrhunderts*, *Mittheilungen des Instituts*, XVII. 71-108.

<sup>9</sup> Schmitz, *Die Libri Formatuarum der Camera Apostolica*, *Römische Quartalschrift*, VIII. 451-472.

of the Middle Ages, and this in spite of its great importance. The administration of the Roman Camera appears to have been exceptionally systematic and complete, as regards both division of functions and control, and its development and possible influence upon other systems possess special interest for the student of economic and institutional history. How far, if at all, the financial measures of the Popes contributed to produce discontent with the ecclesiastical system, is another problem whose solution can come only from a careful examination of the nature of the various sources of papal income, and the amounts actually collected in the various parts of Europe. Such questions have of late years begun to attract attention from scholars, and it is to be hoped that special studies in the archives will be continued until it will be possible to write, with impartiality and a full knowledge of the sources, an adequate history of papal finance.<sup>1</sup>

A source of great value for the history of modern Europe is found in the papers of the papal secretariat,<sup>2</sup> of which the most important are the instructions and reports of the nuncii, collected into six thousand volumes and classified into twenty-one groups according to the places where the nuncii were stationed. The various series of reports begin at different dates in the sixteenth century, and are far from complete, although the collections of the Vatican may frequently be supplemented by those of the private libraries of Rome. The reports of the nuncii have been examined for the history of several countries of Europe, — notably for that of Germany in the epoch of the Counter-reformation, — but their study is attended with various difficulties, and the amount so far published is relatively small. The origin and development of the system of permanent nuncii is itself a chapter of diplomatic history as yet little understood.<sup>3</sup> The collections of

<sup>1</sup> "Der Mangel einer vorurtheilsfreien, documentarisch gut belegten Finanz- und Verwaltungsgeschichte der römischen Curie während des Mittelalters gehört zu den empfindlichsten Lücken unserer historischen Litteratur." Tangl, in *Mittheilungen des Instituts*, XIII. 1. Some phases of the financial history of the Papacy are treated by Gottlob, *Aus der Camera Apostolica des 15. Jahrhunderts*, cited above; König, *Die päpstliche Kammer unter Clemens V. und Johannes XXII.*, Vienna, 1894; Miltenberger, *Versuch einer Neuordnung der päpstlichen Kammer in den ersten Regierungsjahren Martins V.*, *Römische Quartalschrift*, VII. 393-450; Kirsch, *Die Finanzverwaltung des Kardinalcollegiums im 13. und 14. Jahrhundert*, Münster, 1895.

<sup>2</sup> Friedensburg, in the *Nuntiaturberichte aus Deutschland*, first series, I. xvi. ff.; Hinojosa, I. 1-24; Langlois and Stein, 751, 754.

<sup>3</sup> See Friedensburg's introduction, and Pieper, *Zur Entstehungsgeschichte der ständigen Nuntiaturen*, Freiburg i. B., 1894, intended as an introduction to an edition of the instructions of the nuncii from the pontificate of Julius III. to the Thirty Years' War. Also various articles of Meister, especially *Die Nuntiatur von Neapel im 16. Jahr-*

the secretariat also contain a great number of letters from eminent personages in all parts of Europe (*lettere di principi, cardinali, vescovi e prelati, particolari, soldati, lettere diverse*), belonging to the sixteenth, seventeenth, and eighteenth centuries, and useful for supplementing the correspondence of the nuncii, and as an independent source.

The archives of the Vatican possess several collections of a miscellaneous nature, many of them ill-arranged and as yet but little explored, comprised mainly in the series "Armaria," "Instrumenta miscellanea," and "Instrumenta castelli Sant' Angelo." Their contents are of the most varied character, including numerous originals of imperial charters and papal bulls, letters of kings and princes, papal diaries, reports of visitations and proceedings before legates, and considerable material on purely Italian affairs. Important sections relate to the Great Schism and the Council of Trent.<sup>1</sup>

From the very opening of the Vatican archives, scholars have been busily occupied in exploring and publishing their contents and in studying the numerous problems to which exploration and publication have given rise, so that the books and articles which have grown directly or indirectly out of labors at the Vatican represent a very considerable proportion of the historical output of the last fifteen years. An enumeration of everything of this nature that has appeared would prove of little interest to the readers of this Review, even were the material at hand for a bibliographical task of such magnitude; it has, however, seemed worth while to indicate the principal lines along which research at the Vatican has been active, and, in particular, to give some idea of the work there carried on by organized effort on the part of the various European countries. Some mention of recent publications has been inevitable in dealing with the contents of the archives; repetition of works already cited will, as far as possible, be avoided.<sup>2</sup>

*hundert, Historisches Jahrbuch*, XIV. 70-82. A good illustration of the historical value of the reports of the nuncii is found in Philippon's article, *Die römische Curie und die Bartholomäusnacht, Deutsche Zeitschrift für Geschichtswissenschaft*, VII. 108-137.

<sup>1</sup> Langlois and Stein, 754-756; *Nuntiaturberichte aus Deutschland*, first series, I. xix.-xxiii.; Kehr, *Die Kaiserurkunden des vatikanischen Archivs, Neues Archiv*, XIV. 343-376; Fabre, *Note sur les Archives du Château Saint-Ange, Mélanges de l'École française de Rome*, 1893, 3-19; Sickel, *Römische Berichte*, reprinted from the *Sitzungsberichte* of the Vienna Academy, 1895.

<sup>2</sup> I know of no attempt at a complete bibliography of publications from the Vatican archives. The list of Schmitz, already cited, is useful for the registers; many titles are given in the bibliography of the publications between 1885 and 1891 relative to the

The oldest of the institutions engaged in the exploration of the Vatican archives is the École Française de Rome, which began as an offshoot from the school at Athens in 1873 and attained a distinct organization in 1875. The school is supported by the French government and is under the direction of the Académie des Inscriptions et Belles-Lettres, subject to the control of the minister of instruction. The director, at present the Abbé Duchesne, is chosen for a period of six years. Six members are appointed each year by the minister from among the candidates submitted by the École Normale Supérieure, the École des Chartes, and the École des Hautes Études. The appointments are renewable for a second or third year; usually there are also a few associate members. The work of the school includes archæological and philological, as well as historical, studies, but research in the archives always occupies the attention of some of the members, — notably of those who have profited by the admirable training of the École des Chartes. The principal undertaking of the school — the publication of the registers of the Popes of the thirteenth century — was begun as early as 1879, and has not yet been completed; the volumes already issued form the most important series of publications that has been made from the Vatican archives, and reflect great credit upon the school. In recent years, the historical investigations of the school have centred about the registers of the Avignonese Popes, where, as complete publication is out of the question, owing to the immense amount of material, they have been confined to the entries relating to French affairs and to the special diplomatic problems involved. One member has also studied the *regesta cameralia* of this period. The resources of the Vatican have also been utilized in many other publications of the French school, notably in Fabre's studies of papal administration and in the important works of Müntz and Faucon upon the history of art.<sup>1</sup>

history of mediæval Italy, which appeared as the twelfth number of the *Bulletino dell'Istituto Storico Italiano*, Rome, 1892.

In the following account emphasis is laid on the results of the organized and systematic explorations conducted by the various missions and institutes. In addition to the publications of individuals noted under particular countries, certain works which rest largely upon researches in Roman archives deserve special mention. Such are: Pastor, *Geschichte der Päpste seit dem Ausgang des Mittelalters*, Freiburg i. B., 1891 ff.; Valois, *La France et le Grand Schisme d'Occident*, Paris, 1896; Schottmüller, *Der Untergang des Templer-Ordens*, Berlin, 1887; Albanès, *Gallia Christiana Novissima . . . I.* (Province of Aix), Montbéliard, 1895.

<sup>1</sup> Reports upon the work of the École Française appear in the *Compte-rendu des séances de l'Académie des Inscriptions et Belles-lettres*; the latest is in the January-February number, 1896, 92-100. A list of the members since 1873 is printed in the



The materials for German history in the Vatican archives are very abundant, and their exploration has been undertaken from many different quarters. Among the first in the field were the representatives of the Munich Historical Commission, who collected and published important acts for the history of the Empire under Louis the Bavarian.<sup>1</sup> Soon the historical commissions of Württemberg and Baden and the directors of the series of sources published in Westphalia, Mecklenburg, and the province of Saxony had their agents at work in the Vatican, as did also the provincial authorities of Brandenburg, Posen, and East and West Prussia.<sup>2</sup> Documents have also been collected for the ecclesiastical provinces of Cologne, Trier, and Hamburg-Bremen, as well as for a number of dioceses within and without their limits. Such investigations, carried on independently with reference to the history of each state or locality, naturally involve great waste of effort, since the ground must be gone over anew in each case, and the results are sometimes exceedingly meagre. To obviate this difficulty, the two leading German representatives of historical studies in Rome, the Prussian Institute and the Görresgesellschaft, have undertaken, first, to prepare a "Repertorium Germanicum," or calendar of all the entries relating to German affairs in the registers of the later Middle Ages, and second, to publish the reports of the German nuncii of the sixteenth and seventeenth centuries. The work has been so apportioned that the Prussian Institute takes the registers from 1378 to 1448; the Görresgesellschaft, those from 1448 to

periodical organ of the school, *Mélanges d'Archéologie et d'Histoire*, XVI. 3-12. Together with the school at Athens, the school at Rome publishes the *Bibliothèque des Écoles d'Athènes et de Rome*, an octavo series for monographs and a quarto series for the regesta, etc., where the more extended contributions of its members appear. An examination of the reports of the nuncii in France was planned not long ago, but I am not aware that it has as yet led to definite results.

<sup>1</sup> Riezler, *Vatikanische Akten zur deutschen Geschichte in der Zeit Kaiser Ludwigs des Bayern*, Innsbruck, 1891; compare the earlier publications of Reinkens and von Löher in the same field. The Vatican archives have also been examined for the edition of the acts of the imperial diets, and the commission originally planned to publish the reports of the nuncii of the Reformation period as a supplement to this series.

<sup>2</sup> Schneider and Kaiser, *Württembergisches aus römischen Archiven*, Stuttgart, 1895 (*Württembergs Geschichtsquellen*, II. 355-566); Schmidt and Kehr, *Päpstliche Urkunden und Regesten aus den Jahren [1295-1378], die Gebiete der heutigen Provinz Sachsen und deren Umlande betreffend*, Halle, 1886-1889 (*Geschichtsquellen der Provinz Sachsen*, XXI., XXII.); Finke, *Die Papsturkunden Westfalens bis zum Jahre 1378*, I. Münster, 1888 (*Westfälisches Urkundenbuch*, V.); Ehrenberg, *Urkunden und Aktenstücke zur Geschichte der in der heutigen Provinz Posen vereinigten ehemals polnischen Landesteile*. . . . Leipzig, 1892; Ehrenberg, *Italianische Beiträge zur Geschichte der Provinz Ostpreussen*, Königsberg, 1895. Other local researches and publications are mentioned in the *Römische Quartalschrift*, VII. 216 ff., 487, and in the *Deutsche Zeitschrift für Geschichtswissenschaft*, VIII. 176.

1517 and the earlier volumes of Martin V. With reference to the nuncii, the agreement finally reached by the various investigators that had already begun work in this field assigns to Prussia the reports before 1560 and after 1605 as well as those for the period 1572-1585; the Görresgesellschaft has those between 1585 and 1605, while the important years 1560-1572 are reserved for the Austrian Institute.

The Prussian Institute, founded in 1888, is under the general supervision of the Berlin Academy of Sciences, and the immediate control of a commission of three, consisting at present of Professors Wattenbach and Lenz and the director of the Prussian archives, Dr. Koser. In Rome the institute is represented by a secretary, Dr. Friedensburg, two regular assistants, and a varying number of other workers; the expenses of publication are borne jointly by the Prussian archives and the ministry of education. Thus far eight volumes of the reports of the nuncii have appeared;<sup>1</sup> work for the *Repertorium Germanicum*, which receives a special subsidy from the emperor's private funds, has been carried on in the registers of Eugene IV., and the first volume is now in press.

The historical section of the Görresgesellschaft, instituted "for the encouragement of the sciences in Catholic Germany," has its regular representatives at Rome, under the direction of Dr. Ehses, and is one of the most active agencies in the scientific utilization of the Vatican archives. Besides two volumes of reports of German nuncii, the society has published an important body of documents relating to the divorce of Henry VIII. of England, and has begun a series of valuable contributions to the history of papal finance.<sup>2</sup> Work has also been carried on in the registers of Mar-

<sup>1</sup> *Nuntiaturberichte aus Deutschland nebst ergänzenden Aktenstücken*, Gotha and Berlin, 1892 ff. First period edited by Friedensburg: I. *Nuntiatoren des Vergerio, 1533-1536*; II. *Nuntiatur des Morone, 1536-1538*; III. and IV. *Legation Aleanders, 1538-1539*. Third period, edited by Hansen and Schellhass: I. *Der Kampf um Köln, 1576-1584*; II. *Der Reichstag zu Regensburg, Der Pacificationstag zu Köln, Der Reichstag zu Augsburg (1576-1582)*; III. *Die süddeutsche Nuntiatur des Grafen Bartholomäus von Portia, 1573-1574*. Fourth period, edited by Kiewning: I. *Nuntiatur des Paleotto, 1628*; a second volume in press.

Reports on the work of the institute appear in the *Sitzungsberichte* of the Academy; see also Sybel's preface to the first volume of the *Nuntiaturberichte* (first period).

<sup>2</sup> *Quellen und Forschungen aus dem Gebiete der Geschichte. In Verbindung mit ihrem Historischen Institut in Rom herausgegeben von der Görresgesellschaft*. Paderborn, 1892, ff. I. 1, Dittrich, *Nuntiaturberichte Giovanni Morones vom deutschen Königshofe, 1539-1540*. II. Ehses, *Römische Dokumente zur Geschichte der Ehescheidung Heinrichs VIII. von England, 1527-1534*. III. Kirsch, *Die päpstlichen Kollektorien in Deutschland während des XIV. Jahrhunderts*. IV. Ehses and Meister, *Die kölnische Nuntiatur, 1585-1587*. (Inventories of the *collectorie* and the *introitus et exitus* have been pre-

tin V. and Hadrian VI., and a complete edition of the acts of the Council of Trent is in preparation, and is to be accompanied by the various private diaries and minutes of the council's proceedings. Studies from Rome also appear in the society's review, the *Historisches Jahrbuch*.

The researches of Austrian scholars in the papal archives, begun in accordance with imperial decree in 1881, have been conducted almost entirely under the auspices of the Austrian Institute of Historical Studies directed by Theodor von Sickel. The institute, whose present organization dates from 1890, is supported by the Austrian government; its regular members, who receive an annual stipend, are appointed each year by the minister of education on the recommendation of the director in Rome and the director of the Institut für Österreichische Geschichtsforschung in Vienna.<sup>1</sup> In the choice of subjects for investigation members of the institute enjoy considerable freedom, while at the same time emphasis is laid upon the careful and thorough methods which characterize the Austrian school of diplomatics. Of their publications the greater number relate to German history in the century following the interregnum and to the organization and procedure of the papal chancery.<sup>2</sup> Mention should also be made of the important studies of the director in regard to the documents of the German emperors,<sup>3</sup> the

pared and are to be published. The last report of the work of the society in Rome will be found in the *Historisches Jahrbuch*, XVII. 224-226.)

<sup>1</sup> *Statut für das Instituto Austriaco di Studi Storici*, Vienna, 1893; director's reports in *Mittheilungen des Instituts*, VI. 203-223; XIII. 367-376, 663-667. The publications of the institute down to the close of 1893 are described by Starzer in the *Oesterreichisches Literaturblatt*, II. Nos. 21-24.

<sup>2</sup> On the history of the empire: Fanta, Kaltenbrunner, and Ottenthal, *Actenstücke zur Geschichte des deutschen Reiches unter den Königen Rudolf I. und Albrecht I.*, Vienna, 1889 (Vol. I. of the *Mittheilungen aus dem vatikanischen Archive*, published by the Vienna Academy); Starzer and Redlich, *Eine Wiener Briefsammlung zur Geschichte des deutschen Reiches und der österreichischen Länder in der zweiten Hälfte des XIII. Jahrhunderts* (Vol. II. of the same collection); Werunsky, *Auszüge aus den Registern der Päpste Clemens VI. und Innocent VI. zur Geschichte des Kaiserreichs unter Karl IV.*, Innsbruck, 1885; id., *Geschichte Kaiser Karls IV. und seiner Zeit*, Innsbruck, 1880-1892.

On the chancery: Sickel, *Liber Diurnus Romanorum Pontificum*, Vienna, 1889; Tangl, *Die päpstlichen Kanzleiordnungen von 1200-1500*, Innsbruck, 1894; Ottenthal, *Die päpstlichen Kanzleiregeln von Johannes XXII. bis Nicolaus V.*, Innsbruck, 1888; Kaltenbrunner, *Römische Studien*, Innsbruck, 1884-1886; and numerous briefer studies of the same authors in the *Mittheilungen des Instituts*.

<sup>3</sup> Sickel, *Das Privilegium Otto's I. für die römische Kirche vom Jahre 962*, Innsbruck, 1883; Sickel and Bresslau, *Die kaiserliche Abfertigung des Wormser Concordats*, *Mittheilungen des Instituts*, VI. 105-139; and Italian documents contributed to the *Studi e Documenti di Storia e Diritto*, VI., and to the *Notizie e Trascrizioni dei Diplomi imperiali e reali delle Cancellerie d'Italia*, 1892.

monographs of Wahrmund on modern papal elections,<sup>1</sup> and the numerous contributions of Starzer to Austrian local history. The institute has pushed forward its preparations for the publication of the reports of the German nuncii in the period of the Council of Trent, and the first volume of the series is promised before the close of 1896.

Active investigations at Rome have also been carried on by other parts of the Austrian Empire. For Hungary the fine series of the *Monumenta Vaticana Hungariæ*, edited by Monsignor Fraknói and published under the auspices of the higher clergy of the kingdom, well illustrates the resources of the various sections of the Vatican archives and forms a contribution of the highest importance to Hungarian history.<sup>2</sup> Bohemia has been represented in Rome since 1887 by two *Landesstipendisten*, who receive a regular subvention from the diet and are ranked as extraordinary members of the Austrian Institute. They have been engaged in a careful examination of the papal registers with reference to Bohemian ecclesiastical history and have also collected important material for the history of the Counter-reformation in Bohemia.<sup>3</sup> In the South Slavonic lands the Academy of Sciences at Agram has directed explorations at the Vatican; the documents published come chiefly from the Propaganda and relate to Bulgarian affairs.<sup>4</sup>

Researches in regard to the material for Polish history in the Vatican archives were begun in 1885 at the instance of members of the aristocracy and higher clergy of Austrian Poland. Since 1886 the work has been directed by Professor Smolka of the University of Cracow, under the auspices of the Cracow Academy of Sciences and with the aid of subsidies furnished by the Galician diet and the Austrian minister of education. More than forty

<sup>1</sup> *Das Ausschliessungsrecht der katholischen Staaten . . . bei den Papstwahlen*, Vienna, 1888; *Beiträge zur Geschichte des Exclusionsrechts bei den römischen Papstwahlen*, Vienna, 1890; also in the *Historisches Jahrbuch*, XII. 784-791, and the *Archiv für katholisches Kirchenrecht*, LXVII., LXVIII., LXXII.

<sup>2</sup> *Monumenta Vaticana Historiam regni Hungariæ illustrantia*, Budapest, 1884-1891. First Series: I. *Ratiopes Collectorum pontificiorum in Hungaria, 1281-1375*; II. *Acta legationis Cardinalis Gentilis, 1307-1311*; III., IV. *Bullæ Bonifacii IX.*; V. *Liber Confraternitatis Sancti Spiritus de Urbe, 1446-1523*; VI. contains the correspondence of Matthias Corvinus with the Popes. Second Series: I. *Relationes Oratorum pontificiorum, 1524-1526*; II. *Relationes Cardinalis Buonvisi, 1686*.

<sup>3</sup> Compare *Mittheilungen des Instituts*, XIII. 376. Dudik's volume on Moravia, *Auszüge für Mährens allgemeine Geschichte aus den Regesten der Päpste Benedict XII. und Clemens VI.* (Brünn, 1885), I have not seen.

<sup>4</sup> Fermentžin, *Acta Bulgariæ ecclesiastica*, Agram, 1888, forming Vol. XVIII. of the *Monumenta spectantia Historiam Slavorum Meridionalium*

volumes of copies, analyses, and inventories of documents relating to the history of Poland have been sent to Cracow for preservation in the library of the Academy, which has published a summary of their contents and some of the material which they contain for the history of the sixteenth century.<sup>1</sup> Important pieces for the history of Prussian Poland have been collected in Rome under the direction of the provincial authorities of East Prussia and Posen, while from the Russian side noteworthy studies have been made by Professor Wierzbowski of the University of Warsaw.<sup>2</sup>

The investigations conducted on the part of the other nations of Europe can be described more briefly. The English Public Record Office has for several years had an agent at Rome preparing a "calendar of all entries in the Papal Regesta of the Middle Ages which illustrate the history of Great Britain and Ireland;" two volumes have recently appeared,<sup>3</sup> covering the period from 1198 to 1342. Norway, Sweden, and Denmark have each a representative in the Vatican archives, and by a coöperative exploration of all the material relating to Scandinavia avoid the waste of time inseparable from a separate examination for each country. Materials for Swiss history have been gathered both from the registers and from the reports of the nuncii, at the instance, in the one case, of the historical society in Basel, and, in the other, of the Allgemeine Geschichtsforschende Gesellschaft.<sup>4</sup> The Belgian government has twice sent Professor Cauchie of the University of Louvain upon a mission to Italian archives; at Rome he has explored various parts of the registers, of the records of the Camera, and of the reports of the Flemish nuncii.<sup>5</sup> I know of no publications for

<sup>1</sup> Korzeniowski, *Catalogus Actorum et Documentorum res gestas Poloniae illustrantium quæ . . . expeditionis Romanæ cura 1886-1888 deprompta sunt*, Cracow, 1889; id., *Excerpta ex libris manu scriptis Archivi Consistorialis Romani, 1409-1590*, Cracow, 1890. These have since been combined with other matter to form *Analecta Romana quæ historiam Poloniae sæc. XVI. illustrant (Scriptores Rerum Polonicarum, XV.)*, Cracow, 1894. References to publications in Polish are given in the introduction. See also Lewicki, *Codex Epistolaris sæculi decimi quinti*, Cracow, 1891-1894. Reports on the work of the mission in Rome appear in the *Anzeiger* of the Cracow Academy.

<sup>2</sup> Wierzbowski, *Vincent Laureo, nonce apostolique en Pologne*, Warsaw, 1887; *Uchansciana*, Warsaw, 1884-1895.

<sup>3</sup> Bliss, *Papal Letters*, London, 1893-1895. A brief note on the materials at the Vatican concerning English history appeared in the *English Historical Review*, 1889, 810, where it is stated that the English agent is instructed to carry his investigations to 1688.

<sup>4</sup> Bernouilli, *Acta pontificum Helvetica*, I. 1198-1268, Basel, 1891. Wirz, *Akten über die diplomatischen Beziehungen der römischen Curie zu der Schweiz, 1512-1552 (Quellen zur Schweizer Geschichte, XVI.)*, Basel, 1895.

<sup>5</sup> See his *Mission aux Archives Vaticanes, Compte-rendu des séances de la Commis-*

Holland except the collection of bulls concerning the diocese of Utrecht, edited by Brom.<sup>1</sup> With reference to the materials for Spanish history preserved at the Vatican a preliminary examination has been made, under official direction, by Ricardo de Hinojosa, who has just published some of the results in a volume on the despatches of the Spanish nuncios.<sup>2</sup> Nothing similar has yet been done for Portugal. The papal archives naturally contain less for the history of Russia than for that of Catholic Europe; the amount of material is, however, by no means inconsiderable, as is shown by the various writings of Pierling on the relations of Russia to the Holy See,<sup>3</sup> and by the report of his investigations at Rome recently published by Professor Šmourlo of the University of Dorpat.<sup>4</sup> The Russian government has recently determined to establish an institute at Rome, part of whose time shall be given to historical studies.

Within the Vatican itself the officials have naturally had small leisure to devote to special research, yet the scholars connected with the papal court have not left entirely to outsiders the work of utilizing the archives. We owe to them, and others working under their direction, the publication of three important sets of registers and a considerable amount of scattered material, relating particularly to Italian history,<sup>5</sup> while mention should also be made of the publications of Pitra and Palmieri on the registers, and of the documents bearing on the German Reformation, brought together by the former archivist Balan.<sup>6</sup> Material from the archives appears from time to time in the *Studi e Documenti di Storia e Diritto* and in other publications of the Accademia Romana di Conferenze Storico-giuridiche, founded and maintained under papal

*sion royale d'Histoire de Belgique*, 1892, 185-192, 313-483; and compare the reports of the commission for 1894, 3, 195, and for 1895, 259.

<sup>1</sup> *Bullarium Trajectense* . . . , The Hague, 1891 ff.

<sup>2</sup> *Los Despachos de la Diplomacia pontificia en España. Memoria de una Misión oficial en el Archivo Secreto de la Santa Sede*, I., Madrid, 1896.

<sup>3</sup> *Documents inédits sur les rapports du Saint-Siège avec les Slaves*, Paris, 1887; *Papes et Tsars (1547-1597) d'après des documents nouveaux*, 1890; *La Russie et le Saint-Siège*, 1896.

<sup>4</sup> *Revue Internationale des Archives*, etc., series *Archives*, I. 135. For Livonia see Hildebrand, *Livonica, vornehmlich aus dem 13. Jahrhundert im vatikanischen Archiv*, Riga, 1887.

<sup>5</sup> Registers of Honorius III., Clement V., and Leo X., cited above. *Spicilegio Vaticano di Documenti inediti e rari estratti degli Archivi e dalla Biblioteca della Sede Apostolica*, Rome, 1890-1891. *Il Muratori*, Rome, 1892.

<sup>6</sup> Pitra, *Analecta novissima Spicilegii Solesmensis, altera continuatio*, I., Paris, 1885. Balan, *Monumenta Reformationis Lutherianæ ex tabulariis secretioribus S. Sedis, 1521-1525*, Ratisbon, New York, and Cincinnati, 1884; and *Monumenta sæculi XVI. Historiam illustrantia*, Innsbruck, 1885.

sanction. At present the most active investigators who hold official positions at the Vatican are Father Denifle, custodian of the archives, and Father Ehrle, prefect of the library, both widely known for their valuable contributions to the ecclesiastical, literary, and educational history of the Middle Ages, in connection with which they have drawn freely upon the resources of the papal collections.<sup>1</sup>

Of researches at the Vatican with reference to American history there is unfortunately very little to record. Some years ago a Peruvian Jesuit, Father Hernaez, had access to the archives and made some use of them for his collection of documents relating to American ecclesiastical history.<sup>2</sup> Visitors to the Chicago Exposition will perhaps remember the handsome set of phototype facsimiles from the papal archives which was exhibited in the Convent of La Rabida among the objects relating to the discovery of America. This volume, of which but twenty-five copies were published, *ut illustrioribus tantum bibliothecis distribuerentur*, contains facsimiles and transcriptions of twenty-three letters from the papal registers, relating to the bishopric of Gardá in Greenland,—the first American see,<sup>3</sup>—the demarcation line between the Spanish and Portuguese colonies, and the sending out of the first missionaries and bishops after the voyages of Columbus.<sup>4</sup> As most of

<sup>1</sup> See particularly Ehrle, *Historia Bibliothecae Romanorum Pontificum tum Bonifatianae tum Avenionensis*, I., Rome, 1890; and Denifle, *Die Universitäten des Mittelalters*, Berlin, 1885, and *Chartularium Universitatis Parisiensis*, Paris, 1889-1894; and the various volumes of their joint publication, *Archiv für Literatur- und Kirchengeschichte des Mittelalters*.

<sup>2</sup> *Coleccion de Bulas, Breves y otros Documentos relativos a la Iglesia de America y Filipinas, dispuesta, anotada e ilustrada por el Padre Francisco Javier Hernaez, de la Compañia de Jesus*. Brussels, 1879. The work, which was brought out by Fathers Garrastazu and de Uriarte after the author's death and does not seem to be widely known, was undertaken at the instance of the Second Council of Quito. A large part of its contents was drawn from the various Bullaria, with some use of South American archives.

<sup>3</sup> In regard to which several pieces have been published by a Dalmatian scholar, Jelič, under the title *L'Évangélisation de l'Amérique avant Christophe Colomb, Compte-rendu du Congrès Scientifique International des Catholiques tenu à Paris, du 1<sup>er</sup> au 6 avril, 1891*, fifth section, 170-184; *Compte-rendu du troisième Congrès . . . tenu à Bruxelles . . . 1894*, fifth section, 391-395.

<sup>4</sup> Also a letter of Julius II. commending Bartholomew and Diego Columbus to Ferdinand. The volume bears the title: *Documenta selecta e Tabulario secreto Vaticano, quae Romanorum pontificum erga Americae populos curam ac studia tum ante tum paulo post insulas a Christophoro Colombo repertas testantur, phototypis descripta*, Rome, 1893. Compare Ehrle, *Der historische Gehalt der päpstlichen Abtheilung auf der Weltausstellung von Chicago, Stimmen aus Maria-Laach*, XLVI. 367-394. On the establishment of bishoprics in America see also Ehses, *Aus den Consistorialakten der Jahre 1530-1534, Römische Quartalschrift*, VI. 220-236. I am told that some researches have been made for the history of certain North American dioceses, but have no exact information on this point.

these documents were previously known, their publication was of more importance for purposes of exhibition than as an addition to historical knowledge; it will prove of further value if it serve to stimulate among us an interest in the archives and a desire to explore them.

The value and extent of the Roman sources for American history would appear only after a prolonged examination. Unquestionably, the general history of the western world, even of those parts which have always been predominantly Catholic, stands in no such close relation to the papal system as does the history of Europe, and it were vain to expect the same assistance from Roman archives in the one field as in the other. Nevertheless, there is every reason to believe that the Vatican collections contain much of special interest to American students, particularly in regard to the age of exploration and colonization, and the history of Latin America,—in which directions the material is doubtless most abundant, while our opportunity is at the same time the wider, owing to the backwardness of Spain and Portugal in undertaking researches at the Vatican. A systematic and thorough investigation of the American material at the Vatican ought certainly to be made,—either by a specially qualified agent or, better still, by an American School of Historical Studies at Rome. It is not the place here to insist upon the utility of such a school, established upon the general plan of the classical schools at Rome and Athens, and working in friendly coöperation with them and with the historical institutes already founded by European countries. If it were properly organized and directed, I believe a school at Rome would prove of the greatest value, not only by its actual contributions to historical knowledge, but also by its stimulating effect upon the serious study of history among us. Its activities should not be confined to American subjects, but should also include some of the numerous other problems of general interest whose solution lies in the archives and libraries of Rome and other parts of Italy, so that the idea of such an institution ought to appeal to all who are concerned in the progress of historical science in America, regardless of the directions in which their own special studies may lie.

CHARLES H. HASKINS.



## REV. THOMAS BRAY AND HIS AMERICAN LIBRARIES

WE are accustomed to think of the New England States as peculiarly the seat of learning in colonial days, and of the South as inhabited by men who cared little for reading and had little opportunity to read, even if they wished to do so. We all know of the early libraries attached to the New England colleges, and of the remarkable development of literary tastes produced by the diffusion of printed material in the northern colonies. To most men, also, the influence of Franklin and his Philadelphia Library is familiar; but it seldom occurs to us that in the provincial period there were libraries of any importance south of Mason and Dixon's line. Yet when we consider the fact that the southern gentry frequently received the best education that England could give, and that, when the Revolutionary period came, they showed themselves remarkably well versed in history and politics, we should be put upon inquiry to ascertain whether we have not overlooked the southern libraries in our survey of the social life of colonial days. We would not maintain that the love of reading pervaded the various classes of society as extensively in the South as in the North; but there is no doubt that the southern gentry possessed excellent private libraries, and that the first public library movement in North America found its chief field in the southern group of colonies.

The Virginia planters had books of their own, beside those furnished by the library of William and Mary College at the colonial capital. As is shown by the interesting lists from old inventories, which President L. G. Tyler is publishing in the *William and Mary College Quarterly*, many of the colonial mansions along the banks of the James and the Rappahannock possessed considerable and varied collections of books. In the other southern states we have not such published data to go upon, but in Maryland and South Carolina, at least, a similar condition of affairs must have existed. In all the southern colonies, however, save Georgia, which was settled after the period of his activity, the first great impulse towards forming public libraries was given by Rev. Thomas Bray. Had his efforts been made on

a broader basis, and had they met with stronger support, Massachusetts would have been much over a century behind Maryland in the success of her libraries, as she is chronologically in the enactment of a state library law.

Edwards writes, in his *Memoirs of Libraries*, that "the early history of Libraries in America derives a special interest for Englishmen, from the fact that it is pre-eminently a record of reciprocal good offices between some of the best men of both countries. There is not a library in the United States, of the age of a century and upwards, which does not treasure on its roll of benefactors the name of many a liberal-minded Englishman who saw that, in lending what furtherance he could to the cause of learning in the rising commonwealth, he was at once discharging a plain duty and sowing the seeds of an abundant harvest, of which his own posterity would surely gather a portion, though they might never behold the fields in which it was to grow." This statement is worthy of quotation, because it emphasizes the fact, which we are apt to forget, that the active interest of the mother country had much to do with the supply of books for the colonial libraries.

The first library in British North America which belonged to any public institution was the gift of an Englishman. This was the library attached to the college projected at Henrico, Va., but given up after the Indian massacre of 1623. To this institution was left, by the will of Mr. Thomas Burgrave, late minister in Virginia, a library valued at 100 marks. An unknown giver in England sent over for this library, in 1620, St. Augustine's *De Civitate Dei*, "Master Perkins his works, and an exact map of America," and in 1621 added to his gift "a small Bible with a cover richly wrought, a great church Bible, the Booke of Common Prayer, and other bookes." The two donations were valued at £10. That this was the first public library in the British colonies is a moral certainty.

Thomas Bray was born at Marton, in Shropshire, in 1656, and, after a long and useful life, died in London in 1730. A recent writer speaks of him as "a striking instance of what a man can effect, without any extraordinary genius and without any special influence. It would be difficult to point to any one who has done more real and enduring service to the church of England. He cannot be reckoned among our great divines, but his writings produced more immediate practical results than those of greater divines have done."

Bray took his bachelor's degree from All Souls' College, Oxford,

in 1678, and, having entered the ministry, was successful in several pastorates. As an able clergyman, he attracted the notice of Bishop Compton of London, who selected him as commissary of Maryland in 1696. Four years previously, Maryland, which had recently become a royal province, was divided into parishes by the governor and assembly, and the Anglican Church was established in the province. A maintenance for the clergy was provided from a tax on tobacco, and the Bishop of London was asked to send over a commissary to supervise the religious establishment of the province. This office Bray accepted, but was obliged to remain in England for the present, as the king had vetoed the Maryland law. It therefore seemed wise to await the passage of another act framed to meet the royal objections. While waiting in England he was engaged in seeking out clergymen to be sent over as soon as the new act should be passed. He found he could only get poor men who were not able to buy books for their libraries, and this determined him to inaugurate a system of parochial libraries in Maryland.

He had gained prominence at this time by the publication of a volume of *Lectures upon the Church Catechism*, and quickly found supporters in his scheme. He insisted that, if he served as commissary, the bishops must assist him in this plan, telling them that such libraries would be the best encouragement to studious and sober men to undertake the service. About this time, though little able to bear the expense, he took the degrees of B.D. and D.D. at Oxford, that he might be better fitted to sustain the dignity of commissary. He also issued printed "Proposals for the Incouragement and Promoting of Religion and Learning in the Foreign Plantations," in which he sets forth a scheme for a parochial library in every parish in America.<sup>1</sup> His idea is that

<sup>1</sup> In the preface to his anonymous *Brief Account of the Life of the Reverend Mr. John Rawlet*, London, 1728, Bray tells how such designs came to his mind. Rawlet, he says, left his library to his native town of Tamworth, with provision that any clergyman of Tamworth or the neighborhood might borrow books from it. "The Experience of its Benefit gave a Hint in forming the Design of Parochial and Lending Libraries, as well at Home, as . . . in the Plantations Abroad. . . . The first Hint indeed given of the Usefulness, indeed of the plain Necessity of such a Design, was upon another Occasion, viz. On being desired by the Relations of a Neighbouring Clergyman then lately Deceas'd, to look over his Books in Order to their Sale, it was surprising to find him so poorly furnished therewith. . . . I found, that whilst Living, he enjoy'd the Use of Two very Considerable Libraries in his Parish. . . . It was but Natural on such Occasion to Reflect, as on the one Hand, on the Impossibility of many Thousand Vicars and Curates, their enjoying such an Advantage . . . ; So on the other, the utter Impossibility they should be able to furnish themselves therewith. . . . Upon this Observation and Reflection indeed, was form'd something of a Plan of making such Provision both of *Parochial* and *Lending Libraries*, before I became acquainted with Mr. Rawlett's, and

each parochial library shall be strictly for reference and "shall be Affixed in a decent and large Room of the Parsonage-House of such Parish, there to remain to the sole Use of the Minister thereof for the time being, unto all future Generations, and to be as *unalienable* as any other Rights and Dues of the Church." It is directed that "in every Book, on the one side of the Cover, shall be letter'd these words, *Sub Auspiciis Willielmi III.* on the other side the Name of the Parish to which these Books do belong: ex. gr. *E. Bibliotheca de Mary-Town: E. Bibliotheca de James-Town, &c.*" This was done "for further Security, to preserve them from Loss or Imbezelment and that they may be known where-ever they are found," and, by these signs, the writer has known many of them, reposing in distant corners of libraries. The minister is to be responsible for any books "Imbezelled or Lost by his fault," and must account for them annually to the churchwardens, and triennially to the commissary. To obtain books for these libraries, requests are to be made to the "learned authors" now living, to give copies of their books, and to others, especially "merchants to the foreign plantations," to give money, of all of which there shall be a full account published.

This tract was approved in a letter, signed by both archbishops and five (afterward twelve) bishops, which stated that they looked "upon the design, as what will tend very much to propagate Christian knowledge in the Indies, as it will, in all likelihood, invite some of the more studious and virtuous persons out of the universities to undertake the ministry in those parts and will be a means of rendering them useful, when they are there." Therefore, they promise to help "cheerfully towards promoting these Parochial Libraries," and "hope that many pious persons will be found, who out of love to religion and learning, will also contribute thereto."

Armed with this endorsement, Bray was very successful in collecting money and books. As he worked on, the idea grew greatly upon him, and in 1697 he published *An Essay towards promoting all Necessary and Useful Knowledge, both divine and*

the same was Communicated to such of our Neighbouring Brethren, as were sensible of the Value of Books, who approv'd the Design, and wish'd it a good Success; but it remain'd as a mere Project in Speculation only, till several of the Clergy by Experience tasted of the Benefit of Mr. *Rawlett's* Library, out of which they could now and then Borrow the Book we wanted to peruse. And indeed it was usual for some of us to Ride even Ten Miles to Borrow out of it the Book we had Occasion for. It was this Experience which encourag'd, which invigorated the Publishing an *Essay*, Printed about Thirty Years since; and which, Blessed be God, has had such Success; That, together with those, the *Missionary Clergy* in our Plantations Abroad have been provided with, there are at this Day in all, at least Hundred *Parochial* and *Lending Libraries* Rais'd and Fix'd upon that Plan."

*human, in all the Parts of His Majesty's Dominions, both at home and abroad.* In this work he puts forth "Proposals to the Gentry and Clergy of this Kingdom for purchasing lending Libraries in all the Deanaries of England, and Parochial Libraries for Maryland, Virginia, and other of the Foreign Plantations." He gives a catalogue of titles of books proper for such libraries, which fills six pages of the book, and includes a selection of books in all branches of literature; though, of course, theology receives the greatest attention. The first apostle of the free circulating library tells us that he no longer limits the usefulness of his libraries to the clergy; but hopes also to provide for the gentry of the country, and to allow them to carry the books to their homes. "Standing libraries," he writes, "will signifie little in the Country, where Persons must ride some miles to look into a Book; such Journeys being too expensive of Time and Money: But *Lending Libraries*, which come home to 'em without Charge, may tolerably well supply the Vacancies in their own Studies, till such time as these *Lending* may be improv'd into *Parochial Libraries*." In this plan, the parochial library was to be mainly a "standing" one, the decanal or the colonial library being the "lending" one, as a substitute for and supplement to the former. "And, whereas it may be objected, that the Books will be so often Borrow'd, that it will be hard for any one to have the Book he wants, I am so far from being much concern'd to answer it, that I heartily wish the great Use and frequent Borrowing of Books out of these Libraries, may make it a real Objection." These are words exactly in the spirit of the modern library, and, like a modern librarian, he suggests, "there being several Authors specify'd in such a Library as I design, upon most of the Subjects, if one be not to be had, Satisfaction may be sought in the mean time from another."

His argument, often quaint but always sensible, is worthy of further quotation.

Knowledge is the fairest Ornament of the Soul of Man; and whosoever is Endow'd therewith, let it be of any kind, which is not mischievous, fails not of Esteem amongst all sorts of Persons. This is certain, that Knowledge does more to distinguish the Possessors of it, than Titles, Riches, or great Places: For, tho' these Men may command the Cap and the Knee, and extort some outward kind of Reverence from Inferiors; yet the Man of Understanding is he, who is inwardly and truly respected, whilst the Gaudy, but Empty Beau, is no other than the Scorn and Derision of all who Converse with him. But especially a Man is then Esteemed for his Knowledge, if his Understanding is Eminent in things laudable, and of great Weight and Moment, for whatever is greatly useful is highly valu-

able. And such is the Knowledge which I am endeavoring to provide for. . . . I hope, though this Design seems more immediately directed to the Service of the Clergy, yet Gentlemen, Physicians and Lawyers will perceive they are not neglected in it. . . . And indeed those Persons of Quality, whose Eldest Sons being commonly brought up to no Employment, have a great deal of Time lying upon their Hands, seem to me to be as nearly concern'd as any to favour it. For many of these young Gentlemen, when removed from the Universities . . . residing all their Life-time in Countries, where they can meet with no Books to employ themselves in reading, and whereby they may be able to improve the Talent they have there gain'd ; they do thereupon too commonly become not so conspicuous for their Excellent Knowledge, and Morals, as will be ever expected from Men of Rank and Station in their Country. And when they happen into one another's Company, for want of Good Sense, are forc'd too often to fill up their Discourse, and maintain a Conversation, in the Porterly Language of Swearing and Obscenity.

We obtain further particulars of the plans from an unpublished tract of Dr. Bray in the library of Sion College, London, entitled, *Bibliothecæ Americanæ Quadripartitæ viz: I. Generales, Sive Bibliotheca Regia Annopolitana; II. Provinciales; III. Decanales; IV. Parochiales, or Catalogues of the Libraries sent into the Several Provinces of America.*

In this tract, of which the Lenox Library has a copy, and which apparently is the initial part of an unfinished work, we are told that

The Design of Writing and Reading Bookes is to Improve Knowledge. And the Tendency of good Books is to Advance necessary and usefull Knowledge. And Libraries, being a Collection of many Books written upon various Subjects, the End of them is to give Requisite Helps to Considerable Attainments in All the Parts of necessary and Usefull Knowledge.

Now the Persons whose Chief Business it is to be men of Knowledge are the Clergy, because they are to instruct others ; And it is impossible they should be Able to Communicate to others, what they are not themselves first become Masters of.

It seems best to quote his own words ; for they show clearly what his idea was, how far in advance of anything hitherto conceived of, and how limited in some directions, especially in the aristocratic nature of the constituency for which he labored. Yet when ignorance was so general among the common people as it was in England, why should he think that they would be apt to take advantage of the privileges of public libraries ?

In the work from which we have just quoted, he goes on to

give the first American library classification, the predecessor of those devised by later librarians for the arrangement of their collections of books. His "Compleat Scheme of the severall Sciences or Parts of necessary and Usefull Knowledge" is strange enough in many ways. It runs as follows: Knowledge is either divine or humane. In the former he includes theology, which deals with divine things and our well-being in a future state, and its appendages, metaphysics and pneumatology. The second main division, humanity, is concerned with our well-being in this life. "Most Humane Sciences" (he cautiously avoids saying *all*) "may be Reduced to such as are conversant, First, about Things, Secondly, Words." The sciences dealing with things are: "Ethicks," about ourselves, to study our well-being and the best improvement of all our faculties, especially of the rational. Appendant to this is "Œconomicks." Next come politics and law, as they deal with "ourselves as members of Humane Society." Then follows history with its appendages, geography, voyages, and travels, dealing with "the world and it's various and great occurrences." From these we naturally pass to physiology, natural philosophy, or natural history, dealing with the "Frame of Nature." This again leads us to medicine, chemistry, and pharmacopy, with their appendages, anatomy and chirurgery, all of which reduce "the Knowledge of Nature to the Chiefest Use and Service of Human Life." We now make what seems a wide leap to mathematics, which treat of the "Number, Measures, and Proportion of Things." Last of the sciences of things, and seemingly far out of place, are trade and commerce, which apply the fore-mentioned to the greatest advantage of the public, especially travellers.

We now turn to the sciences concerned with words and find that grammar is the first, busying itself with the "Elements, Regulation, and Property of Language." It is followed by rhetoric, instructing "to speak Elegantly and Persuasively"; poetry, teaching "to speak Movingly and Delightfully"; and logic, giving rules "to Reason Conclusively." This ends the general classification; but we are told that there are many "particular Sciences of great name, conteyned under some of these General Heads, as Arithmetick, Geometry, Astronomy &c., under the Genus of Mathesis; but these will come under Consideration, when each General Head is drawn out into all it's Particulars."

From this work we further learn that in Maryland Dr. Bray hoped to group each five parishes together, as a deanery, with a decanal library, and we obtain a new statement of the relative spheres of parochial and provincial libraries. In the former he

hopes to place the Holy Scriptures, with some good commentaries upon the same, and a few good authors, both upon the general doctrine and the particular articles of the covenant of grace. As to books not theological, we must be contented to have them, except a very few, only in our provincial libraries, which indeed ought to be more than ordinarily furnished with books of law, mathematics, natural history, and medicine, for the use and improvement, not only of the clergy, but of the whole country. The catalogues of nineteen or twenty libraries already sent out are given in the manuscript.

This courageous man, who had no financial provision assigned for his support, and who had to dispose of his own small effects to raise money for his plans, had the most boundless confidence in the success of his endeavors. So he writes, "Instead of libraries for Maryland, the bounds of my first design, I shall not only extend my endeavors for the supply of all the English colonies in America therewith; but can most willingly be a missionary into every one of those provinces, to fix and settle them therein, when they are obtained, being so fully persuaded of the great benefit of these kind of libraries that I should not think 'em too dear a purchase even at the hazard of my life, being to both church and clergy a most devoted and humble servant."

In 1697 Dr. Bray published *Bibliotheca Parochialis: or, a Scheme of such Theological Heads both General and Particular, as are more peculiarly Requisite to be well Studied by every Pastor of a Parish, together with a Catalogue of Books which may be Read upon each of these points*. A second and much enlarged edition appeared in 1707, with the title: *Bibliotheca Parochialis, &c., or a Scheme of such Theological and Other Heads, as seem requisite to be perus'd, or Occasionally consulted, by the Reverend Clergy, together with the Books which may be profitably Read on each of those Points, In Order to promote the Forming and Erecting Libraries of three Degrees, viz. General, Decanal or Lending, and Parochial, throughout Her Majesty's Dominions, both at Home and Abroad*. In this a second volume was promised, to contain an account which should show "how far the design has been hitherto advanced and how practicable it may be to perfect the same." This, unfortunately, never appeared. News of the plan which Dr. Bray was advocating soon reached Maryland, and the governor, Francis Nicholson, who was ever a staunch friend of education, proposed to the assembly that "some part of the revenue given toward furnishing arms and ammunition for the use of the province be laid out for the purchase of books to be



added to the books, which had been presented by the King, to form a library in the port of Annapolis and that a portion of the public revenue be applied to the enlargement thereof and that the library should be placed in the office and under the care of the commissary of the province, permitting all persons, desirous to study or read the books, to have access thereto under proper restrictions." This, as far as I can learn, is the first recommendation by any public official, that a part of the public funds be applied to the support of a free public library.

Governor Nicholson did not succeed in obtaining an appropriation, but on June 11, 1697, the assembly passed resolutions of thanks to Dr. Bray for the libraries, which they "understand you are taking Care to Collect for us," and which they "are sensible will be the best Inducement to Pious and Sober Ministers to come, and live amongst us ; And will be the Cause of such Education to be given, both to our own People, and Native Indians, as will best promote the Interest of Religion and Morality in this Province."

This gratitude of the Marylanders found a parallel in South Carolina, whose legislature, on November 25, 1698, adopted resolutions, in which they stated, "We can not but now think it our Duty, to make it our Endeavours to encourage Religion and Learning amongst us, according to the best of our Ability, seeing that your self (though a Stranger) have been so kind and generous, as to set the first example towards the promotion of so Good and Necessary a Work."

In 1699 Bray formed a voluntary society whose objects included the libraries, charity schools, and missions, both to the colonists and the heathen. This was the beginning of the Society for Promoting Christian Knowledge, now so venerable and well known. Bray's success in getting contributions for his libraries had been marked and, in 1699, just before he sailed for Maryland, he wrote that his four years of labor had resulted in the sending of £2400 worth of books into the plantations, "whereby Thirty Libraries have been already advanc'd, and some of them to a considerable Perfection, . . . and a Foundation is also laid by some few Books, of 70 Libraries more." According to a table which he gives, there were libraries then established: one each in Boston, in New York City, East Jersey, Pennsylvania, and Charleston, S. C., while there were sixteen in Maryland. Besides these libraries of Dr. Bray, the only public ones then in the British colonies, as far as is known, were those at Boston, at Harvard College, and at William and Mary College.

When all things were ready, Dr. Bray embarked for Maryland

on December 16, 1699, and, with characteristic zeal, was able to found three libraries at three ports where the vessel touched in England. Arriving in Maryland, he made himself acquainted with the state of things there; but soon felt he could do more for the establishing of the Anglican Church in Maryland, if he returned home, and left the colony, never to return. The crown had twice rejected the bill to establish the Church of England in Maryland. A third bill to that effect was approved, largely owing to a printed memorial of Dr. Bray's composition.

In 1700 there was a new development in the library movement. Layman's libraries were sent out, whose books were "to be Lent or Given at the Discretion of the Minister." The books contained in these collections were exclusively religious, and many tracts were included. Of some of the titles on the list, a hundred copies were sent to a single parish. Dr. Bray sums up the classes of books in these libraries as follows: the Scriptures; works for the instruction of catechumens; works for the use of adults, "including discourses to be read on Sundays in Large families and such especially as are remote from churches"; works to "promote the reformation of manners"; works to "prepare adults for the worthy receiving of both the sacraments"; and works adapted to "recover to the unity of the Church all such as have gone astray into Heresy and Schism, *i.e.* Quakers, Papists, and Dissenters."

For such purposes, books were also to be placed in Boston, New York, Philadelphia, Annapolis, and Williamsburg for the use of George Keith, to be placed in public houses, and to be given to the "chief governors" and the "best disposed magistrates." Dr. Bray and his associates never lost sight of the religious side of his plan, and nowhere does it appear more plainly than here.

On Bray's return to England he found the work of his society had so increased that it seemed better to constitute one of its departments into a separate society; and thus the Society for Propagating the Gospel in Foreign Parts was established in 1701. Apparently he now felt that he could do more good in his benevolent enterprises by remaining in England, and so he accepted the living of St. Botolph Without, Aldgate, in 1706, and remained in charge of it until his death. He devoted himself to the labors of his parish, but did not forget his libraries. In 1709 he had the pleasure of seeing an act of parliament passed "for the better preservation of parochial Libraries in England." After his return he published several works in behalf of his favorite scheme. In 1702 *Bibliotheca Catechetica or the Country Curates Library* appeared, and in 1700 he issued *Several Circular Letters to the*

*Clergy of Maryland*, with "A Course of Catechising to be observed in the Plantations, consisting of Books more particularly fitted for the Use of the Three several Classes of Catechumens there, in order to Season the growing Generation with the Principles of Piety and Virtue." Near the end of his life, in 1726, his interest in libraries being still unflagging, he published *Primordia Bibliothecaria*, in which he gives "several schemes of parochial libraries and a method laid down to proceed by a gradual progression from strength to strength, from a collection not much exceeding in value £1 to £100." Three years before this last book appeared he had been attacked with a dangerous illness, and, feeling that his life was uncertain in its duration, he nominated several persons to aid him and succeed him in his work. Thus arose "Dr. Bray's Associates for founding clerical libraries and supporting negro schools." This association still exists and yearly publishes reports of its activity.

We cannot sum up the result of Dr. Bray's labors better than by a quotation from his biography, published in 1746 and entitled, *Publick Spirit illustrated in the Life and Designs of the Reverend Thomas Bray, D.D.* We are there told that "His only Comfort was, that the Libraries he had begun and advanc'd more or less in all the Provinces on the Continent, and in most of the Islands of America, as also in the Factories in Africa, did not only serve the then Ministers with whom they were first sent out, but by the Care of some of the Governments, and by Acts of Assembly, settling the Rules he had prescribed for their Use and Preservation, they might be also of Advantage to many succeeding Generations."

We have paid little attention to Dr. Bray's other good deeds, as we are mainly dealing with his influence on the American colonies. Let us now see how extensive were his services to the colonies in the way of furnishing them with libraries. As we might expect, the absence of the Anglican Church from New England caused Dr. Bray to pay little attention to that part of the country, and only three libraries were sent there.

An account of that in Boston, which numbered 221 volumes, was written by Rev. H. W. Foote of King's Chapel for the Massachusetts Historical Society, and was printed in its *Proceedings*. From this we learn that the vestry of that church, on October 2, 1698, ordered twelve boxes for these books. The books had been received some time before, and their receipt acknowledged on July 25 in a letter to Henry Compton, Bishop of London. They were placed in the rector's study and kept by his successors until the

Revolution. During that period some of the books were lost, but those remaining were deposited in the Theological Library in 1807. In July, 1823, they were deposited in the Boston Athenæum and distributed according to their subjects. Thus they remained until 1881, when they were gathered together and placed in a separate case. The original library, which Dr. Foote<sup>1</sup> pronounces "an admirable collection of the best books for the use of a scholarly theologian of the Church of England," contained sixty-six works in folio in ninety-six volumes, twenty-one in quarto in twenty-six volumes, fifty-seven in octavo in eighty-three volumes, and six in duodecimo in six volumes. Valuable works were added from time to time, so that, in spite of losses, there were 251 volumes in 1807. The Athenæum received 214, six of which have since been lost. Of the present number 110 still bear the royal stamp and the words "De Bibliotheca de Boston."

Another New England library was sent in care of Rev. Dr. Bethune on October 19, 1700, to Rhode Island. This parochial library contained twenty-three folios, twelve quartos, and forty-two octavos. All were on theological subjects save a geography, two dictionaries, a Greek grammar, and a book on gardening. With these, forty-two theological books and one hundred pastoral letters were sent as a "Layman's Library." A year later three folios, five quartos, and four octavos were added — all on theological subjects. New York colony received two libraries: a large one of 211 volumes for the city of that name, and a small one of ten volumes for Albany. Perth Amboy, in New Jersey, received thirty volumes, while to Philadelphia were sent 327. To the several parishes of Virginia 136 books were sent, and £50 worth to the College there. South Carolina received 225 volumes, and the receipt of these books led to the first American library law which I have been able to find.

This act, passed in 1700, shows clearly that the colonial libraries were intended as lending libraries for the public at large. The books of the library, which Dr. Bray has sent over for the public use, are to be put in the custody of the Charleston minister for the time being, who shall pay double the value of any book "embezeled." In case of his death or resignation, the churchwardens are to keep the library, until a successor be chosen; take stock of the books, and give notice within twenty days if any books are "wanting or damnified." To manage the affairs of the library, the General Assembly is to appoint nine commissioners,

<sup>1</sup> He wrongly thinks Bray got his library idea from the gift of these books by the king to Rev. Samuel Miles of King's Chapel.

whose places may be filled by the governor, in case vacancies occur when the assembly is not in session. These commissioners are to appraise the books and to examine them yearly on November 5. To prepare for this examination, all books must be on the shelves of the library by the 26th of October.

Seven catalogues are to be made of the books in the library, and to be bestowed as follows: one to the Lords Proprietors in England, one to the Lord Bishop of London, one to Dr. Bray, one to be recorded in the provincial secretary's office, one to be in the custody of the commissioners, one to be in the custody of the churchwardens (on both of which last the incumbent of the church shall sign a receipt for the books when he enters upon his office), and one "to be fairly entered" in a book kept for that purpose, and to be kept by the incumbent in the said library for any person to read.

The use of the library was absolutely unrestricted. "Any Inhabitant" of the Colony "may borrow any Book out of the Library, giving a note under his Hand, acknowledging the Receipt and promising to return it: if a folio in 4 months, Quartos in 2 Months, Octavoes or under in one month, upon the penalty of paying 3 times the value, in case of a failure, or damning the book." The incumbent shall enter these receipts in a book kept for that purpose, and shall enter the word "returned" when books are brought back, being careful not to cross or blot the book.

People in South Carolina were not always as careful to preserve the books from injury as they should have been, and so we find a supplemental act passed in 1712. From this we learn positively that the books were actually circulated among the people, and that the "unrestrained liberty hath already proved very prejudicial to the said Library, several of the books being lost and others damnified." To prevent this for the future and preserve the library, "it will be necessary to lodge a discretional power in the Person, that doth keep the same, to deny any Person the loan of any book, that he shall think will not take care of the same." It is, therefore, enacted "that in a case any Person shall desire to borrow any book out of the said Provincial Library, which the keeper of the said Library hath just reason to think will not take care of the said book and return the same in time, that, in such case, the said Library Keeper may refuse such person the Loan of any book."

Several details respecting the organization of the Board of Commissioners are included in the provisions of the act. They are

now ordered to meet at least twice yearly, to inspect the books. They have the further power conferred upon them of supervising the several parochial libraries which have been given by the Society for Propagating the Gospel, Sir Francis Nicholson, and other charitable persons. In fact, they were made an early American state library commission, and were given larger powers than any subsequent one has had, being authorized to appoint persons to catalogue the parochial libraries, to put the catalogues in the same places as those of the provincial library, and appoint trustees for them.

In North Carolina there was a library sent over by Dr. Bray to Bathtown, St. Thomas's Parish, in Pamlico. This library was sent on December 2, 1700, and numbered thirty-eight folios, nineteen quartos, and 109 octavos. Its contents were much more varied than those of the average library. There were eleven works of history and travel, two geographies, five dictionaries, three works each on mathematics, natural history, heraldry, biography, and law, four ancient classics, the same number of works on grammar and language, three books of essays, two books on sports, and one each on medicine, mythology, and poetry. This last was *Hudibras*. With the parochial library was sent a layman's library numbering 870 volumes and pamphlets. Albemarle Parish, in the same colony, received a layman's library about the same time, but apparently no parochial library.

The colonial legislature passed in 1715 an act for securing St. Thomas's Library. This also was a free circulating library, out of which "the inhabitants of Beaufort Precinct shall have liberty to borrow any book." Receipts must be given, and the time allowed to retain a book is the same as in South Carolina. A "fairly written" catalogue of the books shall be made, one copy of which shall be kept in the secretary's office in the province, a second by the library commissioners, in which the librarian shall sign a receipt for the books, and a third in the library, "that so any Person may know what Books are contained therein." The library keeper was appointed by a Board of Commissioners, and this is the first legal provision, as far as I know, for the appointment of any person especially as librarian of any library in the United States. All previous to this time were librarians because they held other offices, as clergymen or college presidents; this library keeper was the first selected primarily for that office, and even he was to hold office only when there was no incumbent in the parish. In case of his death, the churchwardens of Beaufort Precinct are to take the books and be answerable for them to the

commissioners. Only fire or unavoidable accident should excuse the keeper from accountability when books were lost or damaged. On Easter Monday of each year the commissioners should meet and take stock of the books. The dignity of their office is shown by the character of the persons appointed as commissioners. They were the governor, councillors, chief justice, secretary, speaker, and attorney-general of the province, the members of the precinct court, and ten other citizens mentioned by name, whose places should be filled by co-optation.

We have reserved Maryland for the last in our survey of the libraries founded by Dr. Bray. It received the largest share of his bounty. The provincial library at Annapolis numbered 1095 volumes and was then the most considerable public collection of books in British America. It was kept in the State House until that building was burnt in 1704, and was then removed to King William School. When St. John's College was founded after the Revolution and King William School was merged in it, the books passed to St. John's College Library. In 1876 there were still to be found 188 folios and 210 quartos in the collection, and the number preserved there to-day is about the same. As this library was certainly sent over before any other provincial one, we have in it probably the first free circulating library in the United States.<sup>1</sup>

The province passed no special act concerning the Annapolis library, but in 1704 established the first library system in the British North American possessions, by the passage of an "act for securing the Parochial Libraries of this Province." By this act, the governor was empowered to appoint one or more library visitors "to report the true estate" of the libraries to the "Governor and Council, that they may make orders to cause every one concerned about the said libraries to do their duties to the effectual preserving of them." This was the second state library commission in the colonies. Each library should be in the custody of the minister of the parish, who should give duplicate receipt for the books, one to the governor and council and one to his vestry, who were to visit the library twice a year, sue the minister if he "embezels" a book, and be responsible for the library during a vacancy in the parish.

There were thirty parishes in Maryland, and Dr. Bray gave nearly every parish a library, ranging in size from the great one

<sup>1</sup> Proof that the books were circulated and, also, not always returned, is found in the fact that Governor Hart, on taking inventory in 1714, discovered that several books were missing. The Assembly, on learning of this, ordered the several sheriffs to publish notices commanding all persons, having books from "the public Library," to return them.

at Annapolis to small ones of ten books, which were allotted to nine small parishes.<sup>1</sup> Only five received over one hundred books and only two others over fifty. The catalogue of the library presented to St. James Herring Creek Parish, in Anne Arundel County, has been preserved and printed by a former pastor, Rev. T. C. Gambrall, in his *Church Life in Colonial Maryland*. This library numbered 150 volumes and was fourth in size of those in the province. In 1698, the first part of it was received and consisted of twenty works in folio, eighteen in quarto, and eighty-seven in octavo. By classes, it was thus divided: religious works 111, history and geography twelve, language two, natural science one, ancient classics one, law one, mathematics one. Probably this is a fair sample of the variety of books found in the parochial libraries; it shows how predominant the religious aspect was in them. In 1703 the parish received a second invoice, chiefly composed of a layman's library. In 1709 James Rigbie, one of the parishioners, left by will £20 sterling to the parish "to be laid out in good and godly books."

Nanjemoy Parish, in Charles County, had the only other library of which a catalogue is preserved. It contained twenty-five folios, five quartos, and twenty-nine octavos and duodecimos, which were sent over May 6, 1701, and apparently ten more of unknown size, sent over at an earlier date. In the later invoice were five historical works, two each on mathematical and philosophical subjects, and one each on politics, education, language, and gardening. The rest were religious. A layman's library of 982 numbers was also sent to Nanjemoy. We have no record to show us whether such layman's libraries were sent to every parish in the province, but lists are found in *Bibliothecæ Americanæ Quadripartitæ* of the works in twelve such libraries, including those of Herring Creek and Nanjemoy. A book-plate was used for the parochial libraries. The inscription on a book from the St. Paul's Parish Library, Prince George's County, Maryland, is of interest as showing a broadening of Bray's original plan. The book-plate has an engraving of an angel standing on an open book and handing another open book to a half-draped figure above. From the angel's mouth proceeds a scroll with the legend: "Apoc. X. 9. Accipe librum et devora illum." Below the picture is this inscription (the words here italicized are in ink): "This book belongs to the Parochial Library of *St. Paul's* in the county of *Prince George's, Md.*

<sup>1</sup> The clergy of Maryland, in answer to certain queries propounded to them by Governor Hart in June, 1714, stated that most parishes had been furnished with parochial libraries through Bray's efforts, but that some had never received one.



*Towards rendering it a more general or lending library for the neighboring clergy to borrow the book, if they shall want it."*

After Bray's death, the interest in the libraries he had founded died out in England, and from that time to the Revolution but four new libraries were founded in the thirteen colonies. The four new libraries numbered about fifty books each, and were situated in Virginia, North Carolina, and New Jersey. The reports of the trustees would indicate that no books had been added to the libraries already established. But the library of St. Paul's Parish, Baltimore County, Maryland, now deposited in the Whittingham Memorial Library, contains books published in 1729 and 1748, which fact shows that some additions must have been made.

The people of the colonies seem to have taken comparatively little interest in adding to the libraries by the purchase of "good and godly books," and as those already in the libraries became antiquated and worn out, the libraries lost their usefulness and mouldered away in the corners. Bray was in advance of his times, but, in spite of that fact, was the author of much good to the colonists of the South. Yet the first public library movement in America failed to endure because it was built on too narrow foundations. It was rather an exotic plant than a spontaneous growth in the provinces, and it soon withered away. In Dr. Bray's plan there were two radical defects, which were sure to deprive his system of permanence: it made no provision for addition of books from time to time to these libraries, and there was no disposition on the part of the people of the colonies to maintain and increase the libraries at their own expense.

BERNARD C. STEINER.

## THE PARTITION OF POLAND

SINCE the disasters of the Seven Years' War the influence of France in European politics had declined. The French armies had been unsuccessful; the French king was plunged in vulgar dissipation and had become even more apathetic than in his youth. It was not strange, therefore, that a country which had always received special attention from French diplomats, and had been to a certain extent a protégé of that kingdom, should have been partitioned by unscrupulous neighbors, without consultation with France and without her taking any steps to interfere. It can safely be said that so important a measure as the partition of Poland could not have occurred during the reign of Louis XIV. without his approval; but France could no longer dictate terms to the other powers of Europe, as she had done a century before. Neither Russia nor Prussia was then regarded as formidable; now both those countries possessed powerful armies and were ruled by able sovereigns. While other states had become stronger, France had grown weaker. She never held the position in Europe which she occupied before the fatal war of the Spanish Succession, and the results of the alliance with Austria still further lowered her prestige and reduced her power.

The practical extinction of an ancient nationality by neighbors, whose only justification for their conduct was that they were strong and Poland was weak, has been justly denounced as an act for which no defence could be made. It was, however, a transaction wholly in keeping with the political immorality of the eighteenth century. It was charged against the French Republicans that they refused to be bound by existing treaties; that they overthrew ancient governments and disregarded long-established boundaries; that they recognized neither the contracts nor the rights of nations. For all this they could have found abundant precedent. There was indeed, under the old régime, more formality and more of diplomatic usages; but the powdered and bewigged statesmen of the eighteenth century were as regardless of any restraint, except that of superior force, as was any long-haired patriot of the Revolution. Different phrases were used; in the past they had spoken of the glory of the sovereign and the

honor of the state; after the Revolution it was in the name of the rights of man and the liberties of the people that treaties were violated and boundaries swept away, but the spirit that governed was the same.

When Louis XIV. married the Spanish Infanta, Mazarin said that France could lay claim to the Spanish succession, no matter what renunciations were given. Frederick II. preached the same doctrine in the next century. "One must not break his word without some reasons," he said, "or he will gain the reputation of a light and changeable man"; but for any breach of faith he had as his defence that it was demanded by the interests of the state. "Shall a monarch break his word or the state perish?" was the only justification he saw fit to furnish for violating his word whenever he deemed it for his interest. "In matters of state policy," wrote a publicist, "we must not be deceived by the speculative ideas that are vulgarly formed about the justice, the equity, the moderation, and the candor of nations and of their leaders. All reduces itself finally to a question of force." "As to the doctrines of Macchiavelli," wrote another, "he teaches nothing new or unheard of; he tells only what our predecessors have done and what men of to-day practise with utility."

These quotations from political writers do not by any means misstate the accepted political traditions of European courts during the eighteenth century, and such doctrines found their full expression when two of the greatest sovereigns of modern times were seated on two of the greatest thrones of Europe. Frederick and Catharine resembled each other in force of intellect, in unscrupulous ambition, and in their resolution to increase the power of the states they ruled. The success of their long careers is proof that their methods were not out of place in the age in which they lived. The war of the Austrian Succession had shown the readiness of almost every European power to join in the attack of an enfeebled state, where there seemed a prospect of gaining something from the spoils. Another nation that appeared defenceless was now attacked, and with better success. When we consider the political traditions of the age, the wonder is that the partition of Poland was so long postponed.

The condition of Poland had not improved since the election of Stanislaus gave rise to the war of the Polish Succession. Augustus III. of Saxony then obtained the throne which had been occupied by his father, but under these Saxon rulers there was no change in the government of the country; it remained in the state of administrative anarchy which had long been its lot.



Indeed, the powers of the king were so restricted that he could exercise little influence in favor of reform, even had he been so inclined, and any efforts to establish an orderly government in Poland would have met with opponents both within and without the kingdom. The nobles would not yield one whit of their lawless independence, and they were hostile to any change which would increase the efficiency of the administration at the cost of their unrestrained freedom of action; as Voltaire said, it was a government of Goths and Franks which survived in the eighteenth century. From the prince whose income of a million was insufficient to defray his splendor, to the gentleman whose only possessions consisted of a horse, a sabre, and a title of nobility, all were equally unwilling to make the sacrifices requisite to increase the strength and insure the safety of the country; to protect the fatherland they would surrender their lives, but not their license; and even if the nobles had desired any reforms, these would have been prevented by neighbors who saw their advantage in Poland's weakness. ♡

There was, however, one powerful state which had regarded the integrity of Poland as important to its own interests, and the fear of its interference in the past would have deterred those who hoped to profit by Poland's dismemberment. For almost two centuries the relations of France with Poland had been intimate; French candidates had twice been chosen to the Polish throne, France had repeatedly promised her protection to the Poles, and the preservation of Poland as an independent state was long regarded as essential to French interests in the north of Europe. After the war of the Austrian Succession some change took place in the tone assumed by France, and French politicians began to say that it was useless to squander money in the affairs of a country so defenceless and so far removed. "What do we care for that republic and its elections?" said the secretary for foreign affairs in 1762. "A Frenchman for king, a Pole, a Russian, it is all the same to us."<sup>1</sup>

These views were held by some of Louis's ministers, but they were not held by the king. During the last twenty years of his life, Louis XV. occupied himself with a private diplomacy, which was kept secret from his regular advisers, and in it Poland had the most important part. This secret diplomacy was among the many curious features of his reign. Louis was not destitute of sagacity, and his views of foreign policy were usually judicious and correct; but partly from listlessness, partly from timidity, this

<sup>1</sup> Hennin to Tercier, February 19, 1762.

absolute sovereign was unwilling to overrule decisions of which he disapproved. Apparently as a consolation for his insignificance in his own councils, the king had a diplomatic system of his own. In many European courts there were regularly accredited representatives of France, and there was also a more obscure agent, sometimes a secretary of legation, sometimes a man with no official position, who corresponded secretly with the king, and whose instructions were often in direct opposition to those emanating from the foreign office in the king's name. Such a system naturally came to nothing; its only results were that the influence of France was frequently neutralized by conflicting instructions, and that Louis was at times plunged into the greatest anxiety lest his secret operations should come to the knowledge of his own ministers. Curiously enough, this monarch, who had the right to choose and remove his advisers according to his own caprice, and whose authority was as absolute as that of the Czar of the Russias, was in abject fear lest he should have to face his own servants with an acknowledgment of the orders he had seen fit to issue; his feelings were those of a mischievous boy who has been caught at his tricks. One of his agents was arrested and the king, in his terror lest the secret correspondence should come to the knowledge of the ministry, applied to one of the police officers to help him out of the dilemma. "I opened the whole matter and confided in him," said the trembling monarch of 25,000,000 people, "and I think this pleased him."<sup>1</sup>

For many years the affairs of Poland received much attention in these secret intrigues. The agents of Louis were instructed to preserve unimpaired the credit which France had so long held, that at the proper time it might be exerted to secure the elevation of the Prince of Conti to the Polish throne.<sup>2</sup>

The influence of France in Poland rested on long-established relations of friendship, and was considerable when reinforced by a liberal expenditure of money among an impoverished nobility. But since the beginning of the eighteenth century Russia, to a larger extent than any other power, controlled the policy of the neighboring kingdom. After Peter the Great transformed Russia from a country of barbarians into a powerful state, she more and more assumed control of the destinies of a land which was still a prey to mediæval disorder, and which furnished a promising field for the expansion of Russian power. Her influence rested not on friendship, but on force. "The hatred which they have in this

<sup>1</sup> *Secret du Roi*, II. 185.

<sup>2</sup> *Correspondance Secrète de Louis XV.* 2 vols.



country for the Russians," said Frederick, "surpasses all imagination."<sup>1</sup> "The Russian power is hated in Poland," wrote the Prussian minister, "from the greatest noble to the lowest peasant. They all hate everything that is Muscovite."<sup>2</sup>

But Poland was helpless from lack of efficient government; her territories were open to invasion with no natural defences, no mountain ranges, nor even any great system of rivers protecting her vast plains from Russia on the one hand and Prussia on the other. With the principles of statecraft which prevailed in Europe, we can be certain that the dismemberment of such a country must often have been considered. Two hundred years before any partition was attempted, it was suggested that Poland might profitably be divided between the Emperor and Russia; later plans were made for a partition in which Sweden should have a share, and early in the eighteenth century a division was suggested between Peter the Great and the Elector of Brandenburg.<sup>3</sup> None of these schemes took shape, but the condition of Poland became more defenceless as her neighbors became more powerful. Once the valor of her citizens might have insured the safety of their country; now it was certain that bravery, unaccompanied with regular military organization and ill-provided with money or arms, could be of no avail against the well-equipped and well-disciplined armies in the service of the great European monarchies. There was, indeed, some hope for Poland's safety, because it seemed unlikely that those who wished to despoil her could agree on the division of the plunder, and this belief was held by French statesmen down to the time that the first partition was carried into effect. The Minister of Foreign Affairs expressed his conviction that the states adjoining Poland, filled with mutual distrust and jealousy, were really her guardians and defenders.<sup>4</sup>

This element of safety was dispelled when the thrones of Russia and Prussia were occupied by Catharine and Frederick. From his youth Frederick had felt the importance of what was known as Prussian Poland to the development of Prussian power. When still under twenty-one he wrote a treatise, in which he argued that the acquisition of this territory was necessary in order to join together the scattered possessions of Prussia. The fancy of youth was not forgotten in maturity. When the perils of the Seven Years' War were past, Frederick, in a testament which he

<sup>1</sup> Frederick to Prince Henry, January 31, 1771.

<sup>2</sup> Benoit, February 15, 1769.

<sup>3</sup> These schemes of partition are given in Sorel's *Question d'Orient*.

<sup>4</sup> *Mémoire du Duc de Praslin*.

prepared for the use of his successor, again laid down the need which Prussia had of this portion of Poland, and he declared that Russia was the greatest obstacle to its acquisition. The instruction was not needed by his successor. Frederick found means in his own lifetime to remove Russian opposition, and to turn his dream of conquest into a reality.

He fully realized the importance of Russia as an ally. "It is a terrible power," he said to his brother, "which in half a century will make all Europe tremble." Throughout Frederick's career it was Russia that he most dreaded; for France, under her imbecile administration, he felt contempt rather than fear; the discipline of his armies, and confidence in his own military skill, made him always ready to meet Austria; but of the vast forces that his northern neighbor could put in the field, he was justly apprehensive. In the Seven Years' War it was from the Russian armies that he suffered his most serious defeats, and had Russia remained constant to the alliance, he would certainly have been ruined at last. The friendship of Peter proved the salvation of Frederick.

It was natural, therefore, when the great war was ended, that he should wish to form a permanent alliance with a state from whose hostility he had suffered so much, and such a combination met the approval of Catharine. In Poland the two powers had common interests; doubtless Catharine would have preferred to deal with that country alone, but she saw that this was impossible, while if she and Frederick united in action, no other state was in condition to hinder them.

In 1763 Augustus III., Elector of Saxony and King of Poland, died and the succession to the Polish throne was again open. In the following spring a treaty was signed between Russia and Prussia, by which they agreed to unite their influence and procure the election of Stanislaus Poniatowski, and they further agreed to prevent any change in the Polish form of government, and especially to prevent any alterations by which the elective monarchy might become hereditary, or the right of any Polish nobleman to check legislation be done away with.<sup>1</sup>

Poniatowski owed his selection as the future king of Poland to the favor of Catharine. He had long been known to the Empress of Russia, and he was personally agreeable to her, said Frederick, who had learned discretion as to the manner in which he referred to sister sovereigns and their favorites. Stanislaus Poniatowski was connected with some of the most ancient and powerful Polish families, and combined with an illustrious pedigree

<sup>1</sup> This treaty is found in Häusser.



attractions of mind and person ; he was tall and handsome with an imposing bearing, his manners were pleasing, his speech was facile and at times eloquent ; he spent two years in Paris, where he studied morals from the Duke of Richelieu and learned the philosophical jargon that was finding its way into polite society ; he was said to excel in the three arts of a French courtier, — he could seduce women, he could conduct himself with credit in an affair of honor, and he could roll up debts which he was unable to pay.<sup>1</sup>

† Thus equipped, he went to Russia and was made ambassador from Poland, but his chief duty was to pay court to the young princess Catharine. He played his part well ; he could quote Voltaire to her and he could talk love to her, and she enjoyed both ; he was young and handsome and he soon became the acknowledged lover of the future Empress. In time Poniatowski was recalled, and this romance came to an end ; but though Catharine soon consoled herself, she retained a kindly feeling for ~~the~~ <sup>the</sup> handsome Pole. She was not indeed a woman who would allow any fond recollections of the past to interfere with her political judgment, but she knew that Poniatowski would owe his election to her and that he would be forced to rely on her support. She knew also that he was a weak man and with him for a ruler it would be easy to keep Poland in that condition of anarchy which would further her own plans.<sup>2</sup>

Catharine's favorite did not obtain the prize without opposition ; for Saxony furnished a candidate in one of the sons of Augustus III. Though Poniatowski was a Pole, yet his rule meant the rule of Russia, and Polish patriots rallied to the support of the Saxon prince. But they could do nothing without foreign help, and this they were not able to obtain. Poniatowski himself applied in secret for the aid of France ; he knew that it was to Russia he would owe his election, but he cherished schemes of reform for his distracted country. Assured of the friendship of France, he might be relieved from his dependence upon Catharine, and free to consider the interests of Poland instead of those of Russia. His election was certain and a secret alliance with him would probably have been for the interests of France and Poland ; some politicians would have found amusement as well as profit in allowing Catharine to elect her lover and then using him to thwart her plans. But the dauphin had married a Saxon princess, a sister of the Saxon candidate, and Louis XV. was always ready to

<sup>1</sup> *Secret du Roi*, I. 272.

<sup>2</sup> "We couldn't find a better person for our interests," she wrote Frederick, October 6, 1763.



placate his family when they asked of him anything except to dismiss a mistress. He promised therefore to support the interests of the dauphin's brother-in-law, and at the same time he allowed intrigues to proceed in favor of Poniatowski. By the king's orders one French agent in Poland advocated the claims of the Saxon candidate, while another constantly proclaimed his friendship for Poniatowski, and as a result, any influence that France might have exercised was frittered away. "Never was France in such a position," wrote a diplomat. "All the world is weary of us as allies."<sup>1</sup>

It was not with such weak vacillation that Catharine and Frederick carried on their plans. Ten thousand Russian soldiers advanced upon Warsaw, while Prussian armies gathered near the Polish boundaries on the west. These republicans, said Frederick, could see with whom they would have to deal if they acted contrary to the wishes of Russia and Prussia. With such election agents, the result was sure. Russian soldiers were present at the diet and entered the hall where the deputies met for consultation; the patriots were put to flight, their leaders condemned as rebels, and Stanislaus Poniatowski was elected without opposition. "In all our history there was no example of an election so tranquil and so unanimous," he wrote with complacency.<sup>2</sup> Tranquillity in Poland was only obtained when her independence had ceased to exist.

The new king made some efforts to throw off the Russian yoke and to effect reforms in his unhappy country; but such attempts at independence were promptly checked. Neither Catharine nor Frederick would allow any changes which might make Poland an independent nation. The agents of both these monarchies were instructed to prevent any alteration in the Polish form of government, and most of all any abolition of the *liberum veto*, "which," said a memorandum of St. Petersburg, "is of such essential importance to the neighbors of the republic." "It is for Your Majesty's interests," wrote one of Frederick's servants, "that Poland should remain in its present condition of anarchy," and it was to insure this result that he bade his representatives oppose any change in the government of the country.<sup>3</sup> While any plan was opposed that might be of benefit, a measure sure to involve the country in additional disorder was insisted upon, literally at

<sup>1</sup> Hennin to Tercier, September 20, 1763.

<sup>2</sup> Stanislaus to Mme. Geoffrin, September 9, 1774.

<sup>3</sup> Finckenstein to Frederick, October 5, 1764. Frederick to Solms, October 6, 1764; to Benoit, October 29, 1767, etc.

the point of the bayonet. Catharine demanded the extension of equal political rights to persons not members of the Catholic Church. Her efforts gained the praises which Voltaire and the philosophers had always ready for the Semiramis of the north, but toleration loses some of its charms when it is enforced by a foreign soldiery who burn peasants' huts and ravish their wives in order to teach liberal principles. The unhappy Poniatowski besought his patron to cease these efforts in behalf of dissenters, and he told her of the misery worked by the Russian soldiers who were employed to enforce the edict. He received in reply only reproaches for his ingratitude to his benefactress. "I will admit to you," Frederick wrote to his ambassador in St. Petersburg, "that on examining Hugo Grotius it is difficult to justify the edict of the Empress of Russia."<sup>1</sup> Catharine cared as little for the principles of Hugo Grotius as Frederick himself, and these measures for dissenters soon produced the effect that might have been anticipated, — a large party of the Catholics rose in insurrection, and to the other miseries of Poland was now added civil war.

This rising had no result except to make the condition of the country worse. The insurgents applied to France for aid and Choiseul secretly furnished them with money, and also sent an officer by the name of Dumouriez, who was to become famous in movements more important than Polish insurrections. These efforts at assistance were of no avail. Dumouriez found some sixteen or seventeen thousand men in arms, but they were almost entirely cavalry, who recognized no authority and knew no discipline; they were for the most part ill-mounted and they had not a piece of artillery nor a company of infantry.<sup>2</sup> Such an unruly horde could not contend against the Russian soldiers, who had acquired a certain degree of military discipline.

This insurrection broke out in 1768, and, though the insurgents had no chance of success, it continued to smoulder and led to important results; for now the question of the dismemberment of Poland began to be seriously considered. Frederick usually receives the credit of having conceived the idea of a division of the territories of Poland among the three confederates, but such a conception was so in keeping with the political principles of the age that it cannot be said to have originated with any one man; at Vienna and St. Petersburg, as well as at Berlin, suggestions of a possible division of Poland can occasionally be found in the state papers. But it was Frederick who first gave to them a definite

<sup>1</sup> Frederick to Solms, February 5, 1767.

<sup>2</sup> *Mémoires de Dumouriez*, I. 171, etc.

form, and had it not been for his consummate diplomatic skill it would have been impossible to bring three rival powers to agree upon any scheme for the dismemberment of a weaker neighbor. It was the first example, Frederick said in his memoirs, of three powers agreeing on a partition and carrying it to a peaceable execution, and he is entitled to whatever credit attaches to this result.

Russia was then engaged in war with Turkey, and by reason of her successes was in a position to demand great concessions from the Porte as a condition of peace.<sup>1</sup> These victories excited almost as much consternation at Vienna as at Constantinople, and the possibility that Russia would demand Moldavia and Wallachia as a condition of peace appalled the advisers of Maria Theresa. In this state of affairs Frederick found his opportunity. By his treaty with Russia he was bound to furnish a large subsidy for the Turkish war, but therein he saw no advantage for himself; his thrift was pained by the possibility of a liberal expenditure with small prospect of return; while in the complications of Polish insurrection there was an opportunity to add to his own territories without risk or expense.<sup>2</sup> ✕

His first endeavor was to establish amicable relations between Austria and Prussia. He knew well that Maria Theresa would never be his friend, but her son Joseph II. was now Emperor and entertained for the great Frederick feelings very different from the invincible dislike of his mother. In 1769 the two monarchs met at Neisse and this was followed by a second conference in 1770, in which Kaunitz also took part. Meetings between kings were not common then; monarchs, like their subjects, stayed at home instead of roaming over Europe, and the conferences excited universal curiosity.

Contrary to the general belief, the partition of Poland was not then arranged, but Frederick succeeded in his purpose of dispelling the aversion and mistrust with which he had long been regarded at Vienna. Nothing could have been more harmonious than the meeting of the sovereigns. Joseph and Kaunitz assured Frederick that Silesia was now forgotten and plans for its recovery were forever abandoned. On the other hand, the old king, with his marvellous knowledge of human vanity, flattered his former adversaries. Frederick talked well and he loved to talk, and the

<sup>1</sup> See report of Vergennes, June, 1768, of the intrigues at Constantinople at this time.

<sup>2</sup> See the correspondence of Frederick and Count Solms in the valuable Russian historical collection published in the *Recueil de la Société Historique Russe*.



young Emperor was content to listen to the wisdom of so famous a man. "At supper," says one of the guests, "the king talked all the time for three hours. The Prussian princes and generals dared not open their mouths lest they should disturb their sovereign or lose one of his words, but some of our Austrian generals slept peacefully."<sup>1</sup> Frederick praised the Austrian army, to which the young king gave much attention. He assured Joseph that if they could act together they need have no fear of any other power; he excited the ambitions and the aspirations of the young ruler and found in him the promise of future greatness. "It is impossible for me to be the enemy of a great man," he cried, as he claimed to discover the talents that must make the young monarch famous. "As for myself," he said, "when I was young I was ambitious, but I am so no longer. . . . You think me full of bad faith, I know it; I deserved it a little; circumstances compelled it, but all that is changed." He was even more successful in flattering the vanity of Kaunitz. "Your minister," he said to Joseph, "has the wisest head in Europe." The old chancellor insisted on reading to the king a political catechism, in which he had traced the true policy to be adopted by Prussia and Austria. Frederick was filled with admiration. "Won't you give me your little catechism?" he said to Kaunitz as they parted. "I should like to have it always under my eyes, for I sincerely wish to conform my conduct to it."<sup>2</sup>

It was too valuable to entrust to strange hands, but even if a copy had been furnished, it is doubtful if Frederick would have spent many hours in its study. The king obtained what interested him more than Joseph's ambitious dreams or Kaunitz's political wisdom,—the assurance that Austria did not feel bound to consult France as to her future movements. In proceeding with his schemes for Polish dismemberment, he now knew that he need fear no hinderance from France. "It is fortunate," he wrote, "that the French should be in their present condition of exhaustion; deprived of their assistance, the Austrians will be more tractable and more gentle. . . . If anything could arrest them, it would be their dear allies the French, who perhaps will not look with pleasure upon the dismemberment of Poland."<sup>3</sup> But France under Louis XV. was in no condition to interfere, and the Aus-

<sup>1</sup> *Relation du Prince Albert de Saxe.*

<sup>2</sup> The interview at Neisse is described in Joseph's letters to Maria Theresa, August 29 and September 25; *Briefwechsel Maria Theresia's und Joseph's II.* See also instructions, etc., published by Berr; for the interview at Neustadt, see the same and the reports of Kaunitz.

<sup>3</sup> Frederick to Finckenstein, May, 1771.

trians, though nominally close allies, did not feel it necessary to disclose their purpose of sharing in the spoils of Poland until the agreement was ready to put in execution.

Fortified by an alliance with Austria, Frederick was in position to impress upon Catharine's mind the necessity of dealing moderately with the Turks and seeking her compensation in Poland. Already a suggestion had been made to that effect. In 1769 Count Lymar presented to Frederick the plan of a partition of Poland which bore a surprising resemblance to the scheme that was afterwards carried out. The king usually gave little heed to volunteer diplomacy, and it seems doubtful whether Lymar or Frederick should have the credit for so ingenious a device. At all events, Frederick at once sent the plan to his representative at St. Petersburg, and told him to show it to Count Panin, the Russian minister. "This plan has a certain *éclat*," the king wrote in a very casual tone. "It seems attractive."<sup>1</sup> It was not favorably received. Panin suggested other plans; this had its advantages, he said, but as for Russia she cared for no further conquests; her territories were sufficient.<sup>2</sup> It was Frederick's just boast that he knew when to wait and when the time for action had come. He saw that Russia still regarded Poland as her own, and as yet recognized no necessity for any division with her neighbors, and he patiently bided his time.

Some steps taken by the Austrians furnished an excuse for reopening the Polish question. In 1769 Austrian troops had taken possession of a small piece of land formerly belonging to Hungary, and called the Zips. It was announced that the movement was made with no thought of conquest; but Hungary had claims on this district, certainly of great antiquity, for they went back to 1412, and these it was proposed to submit to the Polish king in order to reach some amicable agreement. The validity of such claims needs no examination. "I have a very poor opinion of our titles," said Maria Theresa, who had no taste for the unscrupulous measures adopted by her son and Kaunitz. About all that could be said was that the Zips constituted a very small and unimportant strip of mountainous land, and it mattered little to whom it belonged. But in 1770 the Austrians extended the line they had established, and under similar claims took possession of a somewhat larger piece, pending the examination of the further titles which had been exhumed at Vienna.<sup>3</sup>

<sup>1</sup> Frederick to Solms, February, 1769.

<sup>2</sup> Solms to Frederick, March 3, 1769.

<sup>3</sup> Referat of August 19 and October 18, 1770.

Frederick was ready to follow so good an example, and in 1770 his troops also entered Polish soil. This was not done under any claim of title, but the pest was raging in Poland, and in his zeal to ward off pestilence from Prussia the king formed a sanitary cordon, and stationed his troops well beyond his own frontiers. Thus the matter stood in January, 1771, when Prince Henry, Frederick's brother, was visiting St. Petersburg, and Catharine for the first time responded favorably to the suggestion of a partition. "I was one evening with the Empress," he writes, "and she said jokingly that the Austrians had taken possession of two starosties, and, she added, why should not every one take some also? I replied that you had established a cordon in Poland, but you had not occupied any starosties. She said, laughingly, why not occupy them? And Count Czernichef added, why not take the bishopric of Warnia, for after all every one must have something? Although this was said as a pleasantry, I am convinced that very possibly you may profit by the suggestion."<sup>1</sup>

Frederick needed no one to incite him to diligence in such an endeavor; but when he took a hand in dismembering Poland, he intended that his share should be sufficient to repay the risk. "As to the duchy of Warnia," he wrote, "I have not taken possession of it, because the game is not worth the candle. This portion is so small that it would not compensate for the clamor it would excite; but Polish Prussia would be worth the while. . . . If one seizes bagatelles eagerly, it creates a character for avidity and insatiability that I should not wish to be attributed to me, more than is already done in Europe."<sup>2</sup>

Austria had set the example, and Frederick was now eager to follow it. "I see nothing for me to do," he wrote, "but to follow her and, like her, make use of ancient titles, which for that matter my archives will furnish me."<sup>3</sup> He was right in his confidence as to the contents of his archives; diligent officials were set to work ransacking them, and with surprising promptness they furnished indubitable proofs that Polish Prussia was by law a Prussian province, and in taking it the king would, as with Silesia, only be asserting his just rights.

But if Frederick was to obtain a liberal portion for himself, it was necessary that his allies should be well provided for, and he did his best to excite the greed and overcome the scruples of the Austrian court. "Rummage your archives," he said to the

<sup>1</sup> *Œuvres de Frédéric*, XXVI. 345.

<sup>2</sup> Frederick to Prince Henry, January 31, 1771.

<sup>3</sup> Frederick to Solms, February 20, 1771.



I must obtain the continuity of my possessions. . . . Messieurs les Russes, you wish that I should expose myself in your quarrels, you want my troops, and that in assisting you I should run the risk of a general war; all very well, but Polish Prussia and Dantzic is the price I put on the services I render you. . . . Have the goodness, my dear Russians, to examine and see if you have any need of me, or whether I am of no use. In a word, do you want my merchandise or can you do without it?"<sup>1</sup> But all his eloquence did not obtain Dantzic, and Frederick left its acquisition to the future.

After much bargaining the agreement between Russia and Prussia was made.<sup>2</sup> Russia was to have the territory beyond the Dnieper and the Duna; the share of Frederick was Polish Prussia and some adjacent districts. Russia received in population and territory the larger portion, but the districts ceded to Frederick were richer and had a special importance in connecting his scattered possessions. It was provided that if Austria wished to join, she should have her share in the plunder; but if she refused, Frederick and Catharine agreed to furnish armies and defend their new possessions against any invader.<sup>3</sup> Little trouble was expected from the Poles, for they were powerless against Prussia and Russia combined. "We must expect," Frederick complained, "that the Poles will make a great outcry; that vain and intriguing nation makes an outcry over everything, but an army on the Vistula will stop their clamor."<sup>4</sup>

The delay in the negotiations came from Austria. Maria Theresa was sincerely opposed to this unscrupulous division of the territories of a weak and friendly power, and as the matter advanced she expressed herself in no measured terms. "We have tried to act after the Prussian fashion," she said, "and at the same time to keep the appearance of honesty. . . . I should always think our possessions bought too dear, if they were gotten at the expense of honor, of religion and good faith, and of the glory of the monarchy. When all my states were menaced, I rested on my good right and God's help; now when right is not on my side, . . . when equity and good sense are against me, I have no rest."<sup>5</sup> "The measures we have taken," she declared again, "have been so contrary to honesty and uprightness that even the King of

<sup>1</sup> Frederick to Solms, October 30, November 13, 1771.

<sup>2</sup> The agreement was signed February 19, 1772.

<sup>3</sup> Secret article. Beer, II. 334.

<sup>4</sup> Frederick to Solms, November 15, 1771.

<sup>5</sup> Maria Theresa to Joseph II., January 20, 1772. Letter cited by Arneth.

~~Prussia~~ can accuse us of falseness and duplicity." Of all the ~~things~~ which the partition of Poland caused the Empress-queen ~~some~~ probably were as bitter as this thought.

In their desire to participate in the gain and escape some of the infamy, the Austrians suggested that Frederick might resign to them a portion of Silesia and take the share set off to them in Prussia. "What did you say?" cried Frederick to the ambassador. "I have the gout in my feet, and when it goes to my head you can make that proposition. We are partitioning Poland and not my estates." As the Austrians were to share in the spoil, Frederick was resolved that they should not leave him and ~~leave~~ ~~him~~ to bear alone the animosity of Poland.<sup>1</sup> Finally they assented to his proposition, and having decided to join in the partition they showed a willingness to take their full portion. "Pardon me to say, you have a good appetite," said Frederick to their minister, as he stated the amount of Poland that would satisfy Austria's demands. At last all parties were content, and the final treaty was signed at St. Petersburg on August 2, 1772. It declared in the name of the Holy Trinity that the anarchy existing in Poland excited fears of the total destruction of that republic; and, in order to pacify the country, as well as to settle their own ancient and legal claims, they had decided to annex the various districts which they then proceeded to take. By this first partition of Poland about one-quarter of the territory and of the population of the country was divided among the three powers.<sup>2</sup> The number of Poles who became Russians, Prussians, and Austrians was about two millions. Considering the poverty of the land and the misery and degradation of the peasants, who were serfs attached to the soil in a state varying little, if at all, from that of three hundred years before, it is probable that their material condition was improved rather than injured by the change of rulers.

The news of the partition was received with little emotion in Europe; such an act was so in accord with the political morality of the time that no one was surprised, and for that reason the community was the less disturbed by it. In Poland herself the announcement that she must surrender one-quarter of her terri-

<sup>1</sup> Report of Swieten, April 21, 1772.

<sup>2</sup> Frederick to Solms, February 5, 1772.

<sup>3</sup> The figures are usually given much higher. I have followed the estimate made in Russia and published by Beer, "*Évaluation de la valeur intrinsèque des parts des trois cours.*" This gives the population of the territory taken by the three powers at about two millions. It corresponds more closely with the probable population of Poland under the conditions then existing than the much-higher estimates that are usually given.



tories to her neighbors excited a feeling of despair. It was the first step towards the extinction of the Polish nationality; if it was not yet "the end of Poland," it was the beginning of the end. But nothing remained for the king and the diet but to yield what had been taken, lest the three powers should punish a refusal by demanding more. "Some money and some threats will bring these people to agree to our desires," wrote Frederick; "and if we have to resort to force, the only result will be that we shall make a new partition and take more."<sup>1</sup> It was the knowledge of this that made the Poles submissive, and in 1775 Poland ceded to the powers the territories which they had seized. Both at St. Petersburg and at Berlin there was great rejoicing over the auspicious result, and Catharine declared she had never signed a treaty with so much satisfaction.<sup>2</sup>

In the gratification which Frederick felt over the successful termination of this protracted and difficult negotiation, there was an additional pleasure in the fact that his old enemy, Maria Theresa, who had so long denounced him as a robber, a man without faith or honor, should have been associated in a transaction beside which the conquest of Silesia seemed an heroic enterprise; her feelings of remorse, combined with her desire that her neighbors should gain no greater advantages than herself, amused the great cynic. "She wept and she took," he said. Perhaps, as long as she took, it was well that she should also weep. It is certain that her partners shed no tears over the woes of Poland. "The Empress Catharine and I were brigands," said the great king; "but that pious Empress-queen, how did she arrange the matter with her confessor?"

JAMES BRECK PERKINS.

<sup>1</sup> Frederick to Benoit, November 4, 1772.

<sup>2</sup> Rapport de Lobkowitz, September 24, 1772.

## DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that an exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

### *1. Lord Burghley on the Spanish Invasion, 1588.*

THE following is among the most remarkable of that mass of state papers in Lord Burghley's peculiar, cramped, and slanting hand, which bear witness to the sagacity and astounding industry of Elizabeth's great minister. It has long been a matter of keen regret that no historian has thus far been able to describe the part played by English statesmen in the Armada crisis. Here the veil is lifted for a moment upon one of the most impressive sittings of the Council during that troubled period. Burghley, cautious and wise with the experience of four storm-tossed reigns, was hoping against hope that he might steer England clear of the danger which threatened from Spain. Yet, while he was seriously considering the possibility of a sound and honorable peace with "the mightiest enemy that ever England had," we find the venerable minister reading his attentive colleagues an able state paper which showed him prepared for every contingency of vigorous, aggressive war. Surely Motley must have been mistaken in thinking Burghley was meant when the Lord Admiral cursed the peacemaking "long grey beard with a white head witless."

In emphasizing the religious element of the struggle, an aspect which the modern historian is too prone to neglect, Burghley strangely enough suggests for the queen a motto almost identical with the *Exsurge Domine et indica causam tuam* embroidered on the Armada standard. He had, it would seem, a vague notion that, as Catholics and Protestants were both defending the cause of the Almighty, it behoved the English to surpass the Spaniards in piety as well as in sailing and fighting. "We are truly certified," he wrote, soon after the Armada appeared in the Channel,

"how diligent the enemy is by prayers, fastings, pilgrimage, etc., to commend their tyrannous intents to God, and therefore there is more reason for us to commend our just cause to his mercy."<sup>1</sup> But while declaring that "the first and last Comforter for her Majesty to take hold on" was the Lord of Hosts, Burghley was determined to neglect no practical measure which might ensure success. He traces with great force and breadth of view England's policy in case of war, and adds a detailed and liberal estimate of the costs. Most remarkable is his plan for the naval campaign. Burghley's pen anticipates not only the strategy which Howard and Drake so successfully employed against the Armada, but even advocates a descent upon Spain similar to that which Drake himself afterwards urged, but, to his great disgust, was not allowed to execute. We thus see that the victory over Spain was not alone the work of Elizabeth's splendid sailors. While the heart of every Englishman may well beat high at the story of Drake and Gravelines, the historian must remember that it was not the audacious genius of Drake, but the far-seeing mind of the responsible minister, that took the foremost part in shaping the destiny of England.

W. F. TILTON.

(British Museum. MSS. Vespasian, C. VIII, f. 12. Holograph by Lord Burghley, endorsed by him "25 Febr. 1587 [this date is of course Old Style]. Treaty for peace wt [with] Spayn. A Consultation uppon Certen Question[s] in p[re]sence of L. Chanc[ellor], L. Tres. [Burghley], L. Stuard [Steward], Mr. Secret. [Walsingham], Mr. Wolly.)

First is to be considered . . . the p[oin]t of the Ennemy. The K. of Spayn being the p[ri]ncipal and therto both provoked and ayded by the pope and his quarrell, p[ri]ncipally grounded for the popes religion and to subvert the Chri[sti]an religion p[ro]fessed by her Ma[jes]ty and her people and for th<sup>t</sup> [that] cause makyng this warr ageynst hir p[er]son and realm, ther is accompt to be made th<sup>t</sup> all the papists th<sup>t</sup> have any power to offend hir Ma[jes]ty or hir people will yeld ther powers to joyne wt [with] hym and so accompt is to be made of hym and his forces ageynst hir Maty. And as his will joyned wt the generall mallyce of his Confederats is known to excede in Mesure, as not to be satisfcyed wtout obteyning his desyre of conquest as well for the subduyng of relligion as for enlargyng his temporall power by reason of his ambicion, so is his power by men and specially by mony larger than any other Monarch of Chr[ist]endom. For to consider the nombres of men of warr, besyde such as he hath to command of spanyards and now of portygales [Portuguese] wherof though the nombre is not so great as other Kyngs have, yet of them he hath by reason of ther long trayning in warrs these many ye[a]rs and specially in the low

<sup>1</sup> British Museum MSS. Add. 32092. 26, f. 102.

Contreys a gretar [greater] nombre of exercised captayns and soldiors than any other Kyng hath. Beside these he hath commodite to have great nombres of men of warr both for the land and the sea out of Italy from the pops dominions, out of Naples, Sicily and Millan of his own, out of Savoy and Florence from the 2 duks the formar being his son in law, the other a Creatur of the popes, and from Genua, Naples and Sicily help of shippes and Gallyce. In lyk manner he hath commodyte to have very great and puissant nomb. both horssmen and footemen out of Germany by favor of Themp[er]or and by confederatyng to him of the papisticall Bishoppes and p[ri]nces of the emp[ir]e by pensions and wag[e]s, and at this p[re]sent also he hath at his commandment the forces of all the p[ro]vynces being 17 in the low Contreys savyng Holland, Selland [Zeeland] Utryct and pt of Geldres and Fresland, so as whosoever shall accompt what nombres of men of war and of shippes and Gallyes he may have to s[er]ve his purporss bouth by sea and land, if he may have mony to paye them, shall certainly determyn that he is the mightiest enemy that ever England had, yea mightyar than ever his father the Em[per]or Charles or any other Monarch of Chr[ist]endom was these many years. . . .

It followeth to be considered in what sort for place tyme and nombres it may be thought he will mak his warrs to offend the Q[ueen's] Maty and hir Dominions.

His most commodite shall be to invade England and Irland joynly at on[e] instant, wc he is to do by sea, for which purporss he must have a Great Navy of shippes wherof he hath and may have plenty, to carry an army very great to land in England, and a smaller in Irland, because he p[re]sumeth ther can be no resistance, but rather an asistance of the people miscontented. He also may be probably advised to send some small nombres of skylfull captayns and soldiors into Scotland, wherto if the Kyng shall be willyng, he may wt [with] more probabilitie offend England greatly by sendyng mony wt his generall, to wage both the Kyng yt [that] is poore in mony and his people to enter by mayne land into the north of England by the north, but if the scottish King shall not yeld to the spanish attempts, yet suerly consideryng so great a party of late grown of the Noble men of the land to be devoted papists and sworn ennemyes to England. . . .

Upon these considerations remembred on the pt of this great Ennemy may it well appeare not only how great and puissant he is but what commoditees he hath to funder his actions, if God by his goodness asistyng hir Maty in the exequution of hir actions shall not enhable hir to mak a good defence, for wc [which] purporss, followyng the formar mention of hir Maty as the pncipall pty th<sup>t</sup> must susteyn this warr for defence of God's cause, himself and hir countrey, ther ar to be considered what forces hir Maty hath and may have both of hir own and other auxiliar[y] helps, and how besyde hir defence she may impeach and offend the K. of Spayn in his grettest enterp[ri]ses.

The first and last Comfortor for hir Maty to tak hold on is the Lord of

hosts, for whose cause only hir Ennemyes ar risen wt might and fury to overthrow the Gospell of christ and the professors therof so as hir Maty may saye wt David Exurge Deus, Judica causam tuam and lykwise Dominus mihi Adiutor et ego despiciam inimicos meos. And so wt a firm hope of God's assistance in his cause ther may be remembred all these thyngs followyng for th strength of hir Maty not only for hir defence, but for offence of the Ennemy, notwithstanding his apparant wor[l]dly mightynes.

The Realms of England cannot from Spayn or the low Contreys be assayled but by sea.

Therfor hir Matys speciall and most prop[er] defence ageynst the Ennemys Navy must be by shipps. And hir defence ageynst them wc [which] shall land must be by power on the land.

For shipps of England hir Maty is of hir own prop[er] shipps so strong as the ennemy shall not be hable to land any power, wher hir Matys Navy shall be neare to the Ennemyes Navy. The shipps of hir subjects ar also at this daye both in nombre, in strength, in hable captayns and marryners stronger than ever they war in the memory of any man. To the augmentation of this English Navy ar to be joyned the shipps of warr of Holland and Selland [Zeeland] accordyng to ther compact. . . .

If the K. of Scotts may be recovred to be a frend to hir Maty and the realm as reason ought to move hym, consideryng his expectancy, [*i.e.* of the English crown] the Navy of England might have some ayd of shipps for 2 or 3 months though they ar not of great burthen. Yet they may s[er]ve to empeach landyng.

If warr also shall follow betwixt Spayn and England reason wold [would] th<sup>t</sup> the french Kyng shuld wtdraw all aydes from Spayn, as of vittells into Spayn and of marrynors into Flanders.

The Navy of England may be so devyded as the on[e] pt may be here in the Narrow Seas on the est pt of England and another pt on the west towards Irland and Spayn, by which meanes the spanish Navy shall not be hable to come to the low Contreys to joyne wt the flemish Navy, for the English western shall follow them if they come to the est, and they shall be intercepted by the English Est Navy.

It shall also be to a great purporss to provyde a nombre of shipps th<sup>t</sup> may mak a voyadg to portyngale [Portugal], to put comfort in the portyngales when the spanish army is come to the sea and if the K[ing] Antonio [the Portuguese Pretender] might be enhabled to land in portyngale, the K. of spayn shuld hazard the Crown which he now possesseth, whylest he seketh for another yt nether he hath nor ought to have.

If also in tyme of the yere convenient shipping may be redy to pass to the Ilands to intercept some of the Indian flete, the exequution therof will be very profitable for the mayntenance of the charges of the warrs and the report of the intention to put such a Navy in redynes in the Name of S. francise Drak may be an occasion to deminish the nombre of the K[ing]'s shippyng ageynst England or percase [perchance] a diversion of his purporss ageynst England. . . .

Now followeth to be considered how hir Maty shall maynteane the charges for this warr, for though God hath gyven hir people to serve hir both on the sea and on the land yet of Necessite ther must be mony to paye the wages of hir armyes both by sea and by land wt [with] vitylls by sea and also for the hyre of shippes, repaying of hir own shippes and new bykdyng of some, for powdre, Munition, and other thyngs req[ui]sit for ordonance, for sayles, masts, cordage, and all other apparrellyng for hir shippes, for munition and powder both for hir forts and for hir armyes by land, of all which charges it is hard to mak any certayn estymat, but yet to gyve occasion to consider therof these articles followyng ar to be considered.

Navy. First the charges of hir Matys shippes and pynnasses being about XXXVII [37] wherein ar to serve nere [near] hand [*i.e.* about] VI M [6000] men, the chardges wherof will by estimation arise in prest, conduct, wages and victell for 3 months to the some of XXXIIII M l. [£34,000] and for XXX [30] other shippes of M[er]chants mete for war, wherein are to serve IIII M II C [4200] men, the charges wherof to s[er]ve for 3 month will amount to XVII M l. [£17,000], in the whole LI M l. [£51,000]. And for th' it will be necessary to have mo[re] shippes wt II M [2000] men mo[re], the same will be for 3 months more about IX or X M l. [£9000 or £10,000], so in the whole the chardg may be LX M l. [£60,000] at the lest.

Ther is to be added to this chardg for all manner of p[ro]visions of powder and other munition wt cordage and other apparrellyng by estymation about V M l. [£5000], and if the Navy shall s[er]ve 3 months more the chardg will be dob[le].

To this chardg is to be added the Q[ueens] Matys charges in the low Contreys amontyng to I C xxvi M l. [£126,000] in certenty, and to be added for extraordinary by estimation yerly IIII M [£4000] in toto XXX M p. annum [he means £130,000 per annum and writes that sum on the margin].

Ther is to be added if ther shall be dowt of breach wt Scotland a chardg at the lest for III M [3000] men to ly on the borders wc for IIII months will amount to XII or XIII M l. [£12,000 or £13,000].

To this is to be added a necessary chardg at the lest of I M [1000] men to be sent into Irland to incress the army ther for defence of the same wc [which] for VI months wt charge of prest, conduct, Cote [coat] mony and transportations will amount to VII M l. [£7000] besyde xxv M l. [£25,000] for the ordinary ther.

The incress of soldiours in the forts in Kent and of portesmouth . . . for a year IV M l. [£4000].

The charges th' necessary must insew if an army be levyed to repayre to the sea costs for defence ageynst landyng or to fight wt the ennemy whan he is landed cannot be less than for XM [10,000] men, which accomptyng the same at the lest, wt shott and munition cannot be less than XII M l. [£12,000] and if the landyng be in sondry places the same must be doobled, th' is XXIV M only for 1 month.

It is to be considered that wha[t] soever shall be upon the seas wt appearance to land, ther must be an army in redyness to attend on the Q. pson [Queen's person] which cannot be less than of XX M men which for II months at the lest may be esteemed at XL M l. [£40,000].

2. *McKean to Washington, 1789.*

For the following, from the archives of the Department of State (vol. "Applications for Office"), the readers of the REVIEW are indebted to Edward I. Renick, Esq., of that department:—

PHILADELPHIA

April 27<sup>th</sup> 1789.

*Sir,*

I have an ambition to take a share in Your Excellency's administration, and know of no line in which I can render so good service as in the judicial department. Having expressed this, it will, I trust not be deemed indelicate in me to give a short account of myself and my studies.

I was born in Chester county in this State, and having been instructed for seven years in the latin and greek languages, and the arts and sciences usually taught in the schools, I commenced the study of the law at the age of sixteen in Newcastle; at the age of twenty I was admitted to the bar in the courts of common pleas and also in the supreme court of Delaware, and soon after in the supreme courts of Pennsylvania and New Jersey. From that time to the present, the law has been my principal study and my only profession. It is true I have gone thro' the rotine of office, have been annually elected for seventeen years a member of Assembly for Newcastle county; was a member of Congress, first at New York in 1765, and from 1774 until the day I had assurance that the preliminaries of peace were signed: But these employments added to and enlarged my legal knowledge.

Among the learned, I early in life received the degree of Master of Arts from the College of Philadelphia, and have since been honored with the degree of Doctor of Laws by two other Colleges and one University. I am also a Trustee of three incorporated seminaries of learning, and a member of several societies for the promoting the arts and useful knowledge. My official rank may probably be known to you, I shall therefore only mention, that I have been Speaker of the Delaware Assembly both before and since the Revolution, and sometime President of Congress: In 1766 I first took a seat on the Bench at Newcastle, having before been in the commission of the peace and a Justice of the common pleas for that county, and had influence enough to have justice administered upon unstamped paper. When the Stamp-Act was repealed I returned to the Bar and there remained until 1777 when I was appointed Chief Justice of the supreme court of Pennsylvania; which station I have now held near twelve years, having been twice chosen by an unanimous ballot. These honors

and offices were conferred unsolicited by me, and most of them without my previous knowledge.

My character must be left to the World. I have lived in troublesome times, in an unsettled and tumultuous government: A good Judge cannot be very popular, but I believe, that my integrity has never been called in question, and it is certain, that no judgment of the supreme court of Pennsylvania since the Revolution has been reversed or altered in a single Iotta. A book of reports by Counsellor Dallas, is now in the press here and will be abroad in about two months, from which some judgment may be formed in the other States of our decisions. I will only add, that I am by habit and inclination the man of business.

Your Excellency will be pleased to excuse this particular self-detail, when it shall be considered, that if you think fit to advance me to this station, my reputation will become in a degree your interest, and my pretensions should be known.

Having lost by depreciated Congress-money upwards of six thousand pounds of my own acquiring (for I have been the maker of my own fortune) I have a wish to recover in some honorable way at least a part of it, for the sake of eight promising children; however, tho' not affluent I am still above the fear of want, and I owe no man anything but good will.

This having been a sudden resolution, I have not dropped the least hint of it to any person whomsoever. With respect to the Senators, I am personally known to most of them, and flatter myself not to my disadvantage; but in this opinion I may be mistaken, for the politics of some of them did not co-incide with mine. However I mean not to trouble them.

For this freedom I must trust to your great goodness. It is (tho' I am not three years younger than Your Excellency) my first essay of the kind. If you shall approve of this overture, I promise you to execute the Trust with assiduity and fidelity and according to the best of my abilities; the only return that I can make, and that, I know, you wish for. There is but one thing more I have to say, and that is, if you should make a single Enemy, or loose a single friend by gratifying my desire, I most sincerely beg you will never spend a thought on the subject; for I profess myself to be, with the utmost attachment and regard,

Sir,

Your Excellency's

most obedient and most humble serv<sup>t</sup>

THO M : KEAN

HIS EXCELLENCY GEORGE WASHINGTON ESQUIRE.

3. *A Committee of the Massachusetts Legislature on Additional Amendments to the Federal Constitution, 1790.*

At the same time when the twelve amendments submitted by Congress to the states, in response to the demand for a "Bill of Rights," were under consideration in the Massachusetts legisla-



ture, and when all but three had received the preliminary approval of both houses, and when a joint committee had been appointed to report a bill or resolution for the ratification of the same, a second joint committee was appointed "to consider what further amendments are necessary to be added to the Federal Constitution and report." This motion originated in the Senate on January 29, 1790, and Josiah Thacher, Benjamin Austin, jr., and Samuel Fowler were named to serve on the part of the Senate. (*Journal of the Senate of Mass.*, Vol. X., p. 192; *Journal of the House*, Vol. X., p. 209.) On the report as submitted the name of Nathan Dane appears instead of that of Samuel Fowler. The House of Representatives, February 2, 1790, "concurred, and Messrs. Hill, Sewall, Goodman, and Bacon were joined to the Committee." (*Journal of the House*, Vol. X., p. 218.)

Although the committee on the amendments submitted by Congress does not seem to have reported, and the legislature failed to take any further action upon the same, the committee on the additional amendments submitted, before the end of the month, the subjoined report. In the *Senate Journal* for February 24, 1790, the following minute may be found: "Ordered that the clerk of the Senate cause 190 copies of the report of the Committee appointed to consider what further amendments are necessary to be added to the Federal Constitution to be printed forthwith for the use of the Senate." (*Senate Journal*, Vol. X., p. 256.) On the report is the following indorsement: "Referred March, 1790." Further action does not appear to have been taken. This report is of interest for several reasons: First, because of the nature of the amendments proposed, some of which had been previously recommended by the Massachusetts Convention, but had not been included in the series sent out by Congress to the states; second, because it indicates that the series of amendments proposed by Congress did not go as far as some, in Massachusetts as well as elsewhere, thought necessary in protecting the rights of the states and the people; third, because it reveals the doubts felt as to the practical working of a federal government; and fourthly, because of its presentation of some of the leading ideas of political science prevalent at the time.

HERMAN V. AMES.

[Archives of Massachusetts, Senate Documents 1145.]

The Committee of both Houses appointed to consider further amendments in the Constitution of the United States, report that they have carefully examined and considered the subject referred to them, they are fully of opinion that further amendments in that Constitution are necessary to

secure the liberties of the people, and the blessings of a free and efficient system of Government, and that such amendments ought now to be attended to and made more particularly, as will have a tendency to preserve the form of a federal republic and to prevent a consolidation of the States. As this important subject is now brought before the Legislature, and the people have a favorable opportunity to deliberate upon it, the Committee think it is proper for the General Court, at the present time, to suggest to the members from this State in Congress several principles of amendments, to be attended to as soon as the important business now before Congress will admit. It is with diffidence the Committee express their opinion on this very interesting subject, but as it is made their duty they have made it their endeavour to consider the objects referred to them with the attention they deserve — and though they think the States have been highly favoured in laying the foundations of a good Government; yet they conceive much is to be done, to define and complete the system.

The Committee in their enquiries have been influenced by those truths and principles which are held sacred in all free and enlightened Countries, and have inferred the proposed amendments from what they conceive to be the fundamental principles of a free and energetic system of Government for an extensive Community.

And they feel the fullest conviction, that the liberties and prosperity of the United States must rest on a general Government adequate to the common defense and general welfare, and on State or local Government constitutionally secured in their proper stations — and, therefore, that every good man will seasonably oppose a consolidation of the States; an event that must, probably, be attended with the loss of every thing dear to a free, virtuous, and manly people.

Your Committee believe it is a truth very generally admitted in this Country, that the greatest portion of political happiness is enjoyed in that equality which prevails in well regulated republics; that there is a constant effort in each order of men to destroy this equality to exalt itself and depress the others; to prevent the ruinous effect of which many checks must be engrafted into the Constitution; and every part of the people have its constitutional influence and proper means of defense in the Government; and to this end, not only a Senatorial branch, but a full and substantial representation of the body of the people must be effectually provided for.

That it is a fundamental principle, that such a representation and power to lay and collect taxes; to form and controul the military forces of a community ought to go together in all cases, where not evidently impracticable — and that the legislatures of the society ought to be so formed that the sense of the majority therein may correspond with the sense of the major part of the people.

That the powers of those who govern ought to be accurately limited and defined by the instruments and compacts of association; and that

where the sovereignty is divided and qualified, and lodged in a federal head for certain purposes, and in local Governments to certain other purposes the line of distinction ought to be very carefully drawn to prevent encroachments.

On attentively examining the Constitution of the United States, the Committee are of opinion that the powers of the General Government in several instances are not well defined or limited; that there is not a just line of distinction drawn between them and the powers of the local Government; and that there is no such representation as before mentioned in the legislature of the Union.

It appears to the Committee that it is agreeable to the very essence and design of a federal system, that there be a general legislature composed of a few members and that a more numerous and substantial representation of the people be assembled in the State legislatures; and, therefore it follows, that councils of the Union must have a natural bias to vigor, order, and an aristocratical system of policy; and that the State Governments must have a like bias to popular liberty and popular measures. To make the democratic temper of the latter and the different temper of the former mutual checks on each other, and thereby conducive to the happiness of the whole, is peculiar, perhaps, to a republic like our's, and a part of political science yet, in some measure, to be learnt. In a single legislature the Senatorial and popular branches prevent the extremes of each other by mutual negatives in all or particular cases, and how far this fundamental principle can, with safety and propriety, be extended to a general and State Governments in a great republic, must require much discernment and reflection, time and experience to determine. The Committee conceive, however, that some important means to lessen the abuses of democracy on the one hand, and of aristocracy on the other now present themselves — by increasing and improving the representation in the General Government, and making some of the State Governments (if necessary) less popular they will become less destructive of each other; and by giving a negative in certain cases where practicable, each will be enabled to defend itself against the other and a medium between the extreme views of both be happily produced; and by limiting and defining powers, and by a proper distinguishing line, each may be kept in its proper place. As the Constitution now stands, the Committee are of the opinion it will cherish those natural inequalities among men, from which, will in time, result constitutional distinctions, or an uneasiness in the body of the people which, by sudden commotions, may endanger or demolish the whole system.

The Committee by no means agree with those who contend that the natural tendency of a system like our's, is toward an undue increase of the powers of the State Governments, nor with those who contend that the democratic temper of the people is a sufficient check upon the extensive powers of the general Government. Certain it is that this temper must tend to destroy all governments, if not constitutionally directed. It must

have its due weight in order to prevent the making of certain laws or irregularly operate to prevent their execution.

This subject of amendments is too extensive to be treated at large or in particular detail, the Committee, therefore, have more particularly in this report made it an object to bring into view such principles as appear to them to be deserving of more immediate attention. It appears to them to be a most important object duly to examine the legislative powers of Congress respecting internal taxes, the militia, peace establishments, regulations of elections, the federal Judiciary and federal Territories, and in various ways to check and limit those powers in their exercise. It is very obvious, that the legislative powers of the general Government as to these objects, may be so exercised, as in a short period of time, materially to alter the condition of the community, and the first principles of the Government, and it is, in the opinion of the Committee, equally obvious, that the body of the people ought to have some further and more effectual control of the formation of the laws, and over those who make the laws, relative to these subjects.

If it be necessary that Congress should retain and exercise the powers vested in that body ; yet many useful checks may be provided, — merely to elect the Senators and representatives of a federal head can be but imperfect security to the body of the people against a system of politics very repugnant to their general sentiments — for it is clear that in a federal republic that the aristocratical part of the community will very generally be elected to administer the general Government.

In altering the Constitution all agree, that the body of the people in their state legislatures, or in their state Conventions, ought to be consulted ; because, otherwise, the public opinion could not be known and all parts of the federal system be secure ; and, perhaps, this principle, under different modifications, may well be applied to some few important cases in federal legislation.

The Committee are sensible the weakness and embarrassments of the confederation, and the many obstructions in the forms of Government in the United Netherlands are to be avoided ; but a federal head possessing almost entire sovereignty, and noways checked by the local Governments, may be equally dangerous, and destructive of the system of which it is intended as a part. If a direct tax, a plan for forming the militia or a large peace establishment, should be proposed by the General Government, and be disapproved by a large majority of the state legislatures, ought such measures to be adopted ?

Having made the foregoing observations the Committee submit the following principles of amendments for consideration, and that constitutional provision be made :

*first*, that Congress shall not interfere in the regulations of the election of its members, except in cases where the State Legislature shall neglect or refuse to make regulations ; and that the qualification of Senators and representatives be expressly defined in the Constitution.

*secondly*, that Congress erect no Company with exclusive advantages of Commerce.

*thirdly*, that Congress have power to establish a uniform rule of inhabitancy or settlement of the poor of the different States throughout the United States.

*fourthly*, that republican forms of Government be established in the Districts which are or shall be ceded to the United States.

*fifthly*, that Congress shall by law provide for calling forth the *posse comitatus* for executing the laws of the United States.

*sixthly*, that the General Government exercise no power but what is expressly delegated.

*seventhly*, that a part of the internal resources of taxation be appropriated to the United States, and that a part thereof be exclusively reserved to the respective States, with such exceptions, however, and under such limitations as war and other extraordinary exigencies may require.

*eighthly*, that no system for forming the militia be established, and that no establishment of troops in a time of peace beyond a limited number be made, if disapproved of by a specified number of the State legislatures, within a limited time after the bills for those purposes shall be laid before them.

*ninthly*, that the Judiciary power of the United States may be more explicitly defined and more accurately distinguished from those of the respective States.

*tenthly*, that the Senate shall not possess all the executive and Judicial power now vested in that body.

*eleventhly*, that it be left to the several States to make compensation to their Senators and representatives respectively for their services in Congress.

*twelvethly*, that the State legislatures have power to recall when they may think it expedient their federal Senators and to send others in stead; and that the Senators be chosen all at the same time and for the term of four years.

In the foregoing investigations it has been the main object of the Committee to bring into view amendments which shall secure the blessings of freedom without injuring the nerves of Government.

As to internal taxes, the Committee further observe, that [if] there shall remain in all cases concurrent power in Congress and the respective State legislatures to tax the same objects, it will be impracticable for the Union or Separate States to estimate their revenues, and, consequently, to estimate, with any degree of certainty, on performing their respective engagements.

Permanently to secure the liberties and happiness of America the Committee believe a due modification of the legislative powers before mentioned, and further checks in the Constitution, are essential; as well as a fair and honest administration of the General and local Governments.

The Committee are convinced that the people of this State, when

they adopted the Constitution of the United States, wished for and expected other and further amendments, than those which have been recommended ; and that they are now anxious to have their liberties more explicitly secured to them.

After dilating on general principles, the Committee have brought into view more particular propositions, resting assured that from the principles laid down will result such amendments as will answer the just expectations of all our citizens.

## REVIEWS OF BOOKS

*The Roman See in the Early Church and Other Studies in Church History.* By WILLIAM BRIGHT, D.D., Regius Professor of Ecclesiastical History, and Canon of Christ Church, Oxford. (London, New York, and Bombay: Longmans, Green and Co. 1896. Pp. viii, 490.)

IN addition to the essay mentioned in the title, Professor Bright's volume contains five briefer papers on a variety of topics: St. Ambrose and the Empire; Alexandria and Chalcedon — "a combination, with some abridgments," as the author says in his preface, "of certain articles on Alexandrian patriarchs of the fifth century, which may be found in the 'Dictionary of Christian Biography'"; The Church and the Barbarian Invaders; The Celtic Churches in the British Isles; and The English Church in the Reign of Queen Elizabeth — the last three "originally written for a 'Summer Meeting of Clergy' at Oxford."

The first and most elaborate of the essays is an enlarged reprint of two articles in the *Church Quarterly Review*, which were written in reply to the Rev. Luke Rivington's work on "The Primitive Church and the See of Rome," in which that author endeavors to carry the supremacy of the Pope back even to the days of the apostles. Professor Bright's purpose in writing these articles was purely practical. As he says at the close, "graver [than mere scholarly and literary] issues are raised by a publication which is obviously part of a new Roman campaign against the English church and the churches in communion with her. It is a mere duty to speak plainly of the most untrustworthy presentation of a great period of history which has ever come under the writer's notice. . . ." In replying to Mr. Rivington, Professor Bright undertakes not to trace and to explain the development of the power of the Bishop of Rome, but only to show from the sources the baselessness of his opponent's claims. This he does in a very complete and thorough-going way, devoting nearly 200 pages to the question, "Were the bishops of Rome the acknowledged 'Popes' of the primitive or ancient church?" the term "Pope" being employed throughout the discussion "in the sense of the Vatican council and in no other." The task as thus defined is a very easy one, and has been so often and so adequately performed that no particular scientific interest attaches to this latest discussion; but any one unfamiliar with the facts may be referred to Professor Bright's essay as a convenient and reliable summary of the extant evidence upon the subject. Had the author in republishing his articles supple-

measured them by a study of the ideals of the early Roman emperors, and of the positive influence exerted by them upon the church at large, his essay would have had greater historic interest.

Of the other papers in the volume it is not necessary to speak here. The most interesting and instructive is the one upon The Celtic Churches in the British Isles, a subject dear to Professor Bright's heart, and one upon which his special studies qualify him to speak with peculiar authority.

A. C. McGUFFEY.

*A History of the Warfare of Science with Theology in Christendom.*

By ANDREW DICKSON WHITE, LL.D., L.H.D., late President and Professor of History at Cornell University. (New York: D. Appleton and Co. 1896 Two vols. pp. xxiii, 415; xiii, 474.)

THE writer of this notice, being no student of history except that of science, including philosophy, ought to apologize for undertaking to review this book. The truth is, when he promised to do so, he supposed it would be chiefly a history of science. It turns out to be nothing of the sort; but a history of how theologians have met those discoveries of science which have been in conflict with their teachings. All this seems to be told with fulness and accuracy, evidently after mature research.

The book lies far away from the studies of the peaceful student of science. It is a controversial work. Nor does it dispute theoretical positions merely. It is one of the fruits of a hand-to-hand struggle over the studies at the Cornell University. The author tells us in his preface how it came to be written. At the establishment of that institution he had been careful to insert stringent provisions in its charter calculated to prevent its ever falling under the control of any "single religious sect." "Opposition began at once," and "as the struggle deepened, hostile resolutions were introduced into various ecclesiastical bodies." He first "fully tried" "sweet reasonableness"; but finding that of no avail, he entered upon the series of writings, of which the present volumes are the recension and completion.

Matter written in the course of a bitter struggle cannot possibly be philosophically judicial. Coming from the losing side, it must be unphilosophically abusive; coming from the winning side, the wiser it is, the more certain it will be to carry conciliation further than philosophical truth requires. Moderation and diplomacy have marked President White's course throughout. As a work of controversy, his review of the long series of events is simply pulverizing; and that is its essential character.

Upon the evolution of scientific thought and observation no light is shed. Each chapter narrates how some dogma of the Church has been fought over more and more savagely, how next the theologians have proposed modes of reconciliation, and how finally they have endeavored with great ingenuity to explain away their former dicta. Owing to this mode of



subdivision, the lively tone of controversy, and certain circumstances of the composition, the effect is somewhat that of a series of papers. Repetitions are noticeable; and the same situations are regarded a little differently in different places.

Chapter I. shows how the old doctrine of an instantaneous or speedy creation out of nothing a few thousand years ago by a man-like creator has been displaced by the conception of a very slow evolution from nebular matter many millions of years ago under mechanical forces. Chapter II. explains the Biblical geography. Chapter III. describes the infantile monkish astronomy, and gives an account of Copernicus and of the treatment of Galileo. Chapter V. relates to comets. Chapters VI. and VII. show how the high antiquity of man has come to be admitted in consequence, on the one hand, of discoveries in Egypt and Assyria, and on the other of prehistoric archæology. Chapters VIII., IX., X., show how the dogma of the Fall of Man has been refuted, first, from prehistoric remains, secondly, from the study of existing races, and thirdly, from history. Chapter XI. shows how storms were formerly attributed to evil spirits; how prayers, exorcisms, relics, processions, and the ringing of hallowed bells were the recognized defences against lightning; and how these practices have been superseded everywhere by the use of the lightning-rod. Chapter XII. gives a slight sketch of magic, of what the author calls the "theological theory of gases," and of other chemical matters; and it is shown that those ideas have been completely exploded. Chapter XIII. is devoted to the study of the percolation into theological brains of good sense and science about medicine. The topics here are a multitude; and several single paragraphs might advantageously be expanded into chapters. Chapter XIV. shows how the Church used to sanctify dirt, but how modern sanitation has triumphed. Chapters XV. and XVI. cover the extensive subject of insanity, the former treating individual lunacy, the latter endemic outbreaks. Chapter XVII. tells how the dogma of the Confusion of Tongues has been exploded by comparative philology. Chapter XVIII. treats the legends relating to the Dead Sea. Chapter XIX. sets forth the theological tergiversations about usury. Chapter XX. gives a history of the criticism of the Bible. But the author fails to use this history, as he should have done, to show that dogmatism, or what comes to much the same effect, gregariousness of thought, is not confined to theology, by explaining how the critics have often been led to carry their denials too far. It is not consistent in a prophet of candor thus to resort to suppression in order to veil the fact that science is not infallible.

The book is in effect a score of terrible pamphlets, dealing death to the dunce-spirit that endeavors to barricade the roadway of science. The author himself, in the first words of his preface, teaches us so to regard it; adding, however, that his purpose is not a purely philosophical one, but that he designs, by doing this in time, to prevent unnecessary damage to Christianity. With this intent, he often uses conciliatory phrases which, it may be feared, will exert little force in stemming the flood which he

dreads. How shall Christianity be defined? Shall we go back to the common matter of the synoptical gospels? In that, we find little else than miracles. Shall we rely upon the universal understanding, by Christians, of the essence of their own religion? If so, that religion adds to the general doctrine of love wherein it agrees with other Buddhistical beliefs, the distinctive doctrine of resurrection by the might of Jesus Christ. Can President White think his book favorable to that doctrine? He tells us (I. 22) that "the Bible is true." This sounds like practising upon — or exhibiting — that very *sancta simplicitas* at which he has been laughing three pages before. He informs us that in consequence of the revolution whose history he narrates, "our great body of sacred literature is only made more and more valuable" (II. 208). He speaks of "the exact teaching of the Holy Ghost." He quotes, with seeming approval, the formula of Le Clerc, "Our Lord and his apostles did not come into this world to teach criticism to the Jews, and *hence* spoke according to the common opinion." But his own history affords instances enough to suggest that this conciliatory "*hence*" comes too late, now, to be accepted.

Many a cultured reader of this *History* will assume that he reads here something of the true history of science. That is because the heart of the scientific man is not comprehended by men of affairs. The one consuming passion of that heart is to *learn*; and to desire to learn implies a desire to change one's mind. The impulse to communicate what he has learned, strong as that naturally is, together with all those desires whose aggregate makes up the love of life, are not, in the true man of science, comparable in intensity with his paramount passion. This is by no means an ideal representation; it is a faithful portraiture of that man, as he lives and has lived in all ages; and his life proves it. For that reason, the history of the troubles of scientific men in their collisions with outsiders is no part of the life of science, and hardly touches it. It would, therefore, be a misuse of this book to consult it for the history of science; it is of no moment that President White regards science altogether from an exterior standpoint, and is not of much consequence that his assertions here and there involve misjudgments of scientific history. Such misjudgments are neither frequent nor serious.

It seems to have been no part of President White's purpose to trace the causes, nor even to analyze the essence, of what he calls the theological position. Yet these things come properly within the scope and power of history; and the history of the great revolution of belief will not have been philosophically expounded until such questions have received their answer.

One essential difference between the scientific and theological attitudes is plain. The scientific man is animated by a passion to *learn*, — to learn the truth, which is for him that which "will out," that to whose overwhelming power all minds must bow, at last; while the rage of the theologian is to *teach*, — to teach men to behave as he feels they ought to behave. To be thoroughly zealous in this last pursuit implies perfect

confidence that one knows already all that need be known concerning the matter of the teaching. The priests are wont to call to their aid every innocent passion which can serve their purpose, — men's fears, hopes, love of ease, shame, etc. But their experience in all climes and ages shows that, for the majority of men, no motive is stronger than the spirit of fidelity to sentiments inculcated in childhood. Thus, to continue to believe what he has believed becomes, for the religious man, the first of virtues. The scientific man, on the other hand, holds every opinion lightly and provisionally, ready at every moment to dump his whole stock of beliefs, should the evidence prove decidedly against them.

Men who only know science in its results, not in its formative life, are apt to picture the typical scientific man as a sort of nominalist, pooh-poohing every proposition not plain, intelligible, definite, as simple as possible, and free from mysticism. But history will not bear this out. Indeed, a thinker can win no ground in any department if he be afraid of harboring ideas which, as they first come to him, are vague and shadowy. As a method, scientific men do indeed object to mysticism; but they have no rooted dislike to any theory because of any character of its substance. They will not even refuse to entertain a grossly improbable hypothesis, so long as it possesses the one merit of being the theory which is at the moment most conveniently and economically compared with observation. A successful investigator occupies the larger part of his time with theories of all degrees of improbability; for he expects to reject the larger proportion of those which he cordially receives on trial. The science which he is helping to develop has the ages to come at its disposition; and an orderly line of examination must be pursued, no matter how slow it may be. The only positions which are in his eyes in themselves anti-scientific are such as would tend to cut off inquiry. The theologian, on the other hand, is in the situation of any other practical man. The time to act has come, and he must select, as well as he can and for good, the theory upon which he will act. That one must be embraced and its denial spurned. He cannot stop to dally with improbabilities.

These are the most important respects in which history shows the scientific and the religious mind to be at variance, and much follows from this variance. President White manifests a disposition to concede that theologians have as sincere a love of truth as scientific men. This may be a judicious diplomatic concession, but it is not the verdict of history. The religious mind wants the very feeling of truth that lies at the bottom of the inquirer's heart; namely, of truth as an awful and stupendous power listening to no prayers and not to be withstood. For, had they this conception, the devout would never dream that one doctrine could be put down and another set up by any machinery or organization whatsoever. Deficient love of truth appears in every department, in every book, throughout the period of faith which intervened between Greek and modern science. President White gives facts enough to illustrate this; such as St. Augustine's averring (II. 23) that peacock's flesh will not

decay, that he has tested it and knows it to be a fact. Let exaggeration, falsification, forgery, be pardoned and excused, if President White inclines to such leniency ; but they remain evidences of deficient love of truth. So are those suppressions which have given rise to the English Church proverb that "he may hold anything who will hold his tongue" (II. 334) ; and so is avoidance of crucial tests, such as the clergy betrayed upon Tyndall's honest proposal of a prayer-test. The story of Elijah and the priests of Baal illustrates how honest love of truth would have met such a proposal. The very rating of "fidelity" to a belief as a virtue, the holy horror of doubt, the anger at or fear of contradiction, are so many unmistakable signs of a want of desire to find out the truth. And these are not so much faults of the theologian as they are essential characters of the religious mind.

If we look into the origins of opposition to science, history will show us that it has, in different cases, at least four different sources. The first is simply conservatism, the unreasoning dislike and dread of new ways. No sensible man will deny that this feeling, in moderation, is wholesome ; and in proportion as people are ignorant a larger measure of conservatism is advantageous. Morality is even more dependent on conservatism than religion itself. We certainly ought not to blame the Church for being conservative, since that is one of its chief utilities. Unfortunately, conservatism is essentially unintelligent ; for were it intelligent it would cease to be genuine conservatism, which is just the needed counterpoise to activity of thought. Naturally, then, when anything new is proposed in a community in which conservatism has not unhappily been swept away, the blessed stupids will raise a great outcry. They cast about for some effective weapon, and, as a matter of course, look to religion, the great conservative power, to protect the people. Texts of the Bible are brought forward, and every effort is made by the dullards to enlist their friends, the clergy, on their side. Such, for example, were the phenomena at the discovery of anesthetics, as the writer of this himself well remembers ; and such, doubtless, they have been in many conjunctures. It is hardly just to say that *theology* is at fault for such opposition to science as this. A principle of human nature is at the bottom of it, and a right wholesome principle too. "A radical, myself, from top to toe," said somebody, "I am very glad there is some conservatism among my fellow-citizens, and only wish there were more." Some recent examples, Huxley and others, have made men associate science with radicalism ; but, as a general rule, scientific men have been cautious, if not conservative, about far-reaching measures, until all the circumstances had been studied.

The second source of opposition to scientific discoveries lies in certain beliefs which, though not perhaps themselves implanted in human nature, are intimately associated with natural sentiments, or, at least, are inheritances or traditions from primeval man. Such, for instance, is the hostility to the idea that we are descended from apes. Many such prejudices have no further connection with theology than this, that they are likely to be

reflected in any collection of ancient literature as extensive as the Bible. Others, such as the belief in Heaven and Hell, seem to have a special affinity to the religious mind. But even they are rather data than fruits of theology.

The third source of opposition to scientific discoveries lies in opinions formerly drawn by scientific reasoning, with more or less logic, from such data as were available at the time those opinions were formed. Such, for instance, was Claude Bernard's dictum that a disease is not an entity, but only an aggregate of symptoms, which, having become ingrained in the minds of physicians, retarded for several years the general acceptance by the medical profession of Pasteur's bacteriological conclusions, after these views ought logically to have been accepted. This is simply dogmatism founded on old science, the hard wood obstructing the movement of sap, the skull preventing the growth of the brain. Dogmatism is usually stronger the older it is. Those same Chaldeans who made the beginnings of that astronomical theory which, having undergone certain modifications, is admired to-day as the most perfect of sciences, also busied themselves about the evolution of the universe. Two of their tentative theories, somewhat simplified, were incorporated into the first chapters of Genesis. The dogmatism that resulted from that dead science in course of time acted as an obstruction to living science, just as Claude Bernard's science, hardened into prejudice, obstructed bacteriological medicine. Certainly theology was guilty in this case; but it was only guilty of having dogmatized obsolete science. Theology dogmatizes because religion demands party fealty, which it apotheosizes under the name of Faith. Religion itself is the prime cause of the difficulty; but this is no more an argument against religion than the first kind of opposition to science is an argument against conservatism.

The fourth source of opposition to scientific discoveries is distrust of "circumstantial evidence" as opposed to "direct evidence." There can be no doubt that this has been quite as much fostered by law as by theology. Historians and philologists have, down to within very recent times, preferred extremely imperfect documentary evidence to any monumental evidence which was at all indirect or "inferential." Flinders Petrie, for example, wrote a book entitled *Inductive Metrology*, in which he investigated the ancient weights and measures after the method (much improved) of Isaac Newton. Now the only documentary evidence there is upon the subject comes from writers of whom (with trifling exceptions) Eusebius is far the best and earliest, and it bears strong internal evidence of having been adjusted to a system which was an afterthought. Yet one might hunt long to find a reference by a historian or philologist to Petrie's book as a surer guide than the compendium of Hultsch, founded on the documents. What wonder, then, that theologians should be found to prefer the direct testimony of the sacred historians to the inferences of science!

The Church claims infallibility. In the eyes of science, which nowadays doubts the very axioms of geometry, such a claim is monstrous. Yet

did it rightly understand itself, it were no more than every man claims when he says, for example, that it is wicked to marry one's sister; for he will listen to no argument on the subject. He will, indeed, permit the student of ethics to discuss the precept; and is willing, in advance of the practical emergency, to be influenced by his studies; but he will not listen to argument on the occasion of the question taking a practical shape. At that moment his conscience claims momentary infallibility, and will entertain no new doctrine. The Church claims infallibility in what respect? In respect to the conduct of the faithful, including their mental conduct. Infallibility being limited to that, and no more being claimed, merely means that the faithful ought not to do or believe what the Church forbids, if they can help it. It does not follow from this that the injunction can never on another occasion be reversed. Limited, as it is, to the conduct, bodily and mental, of the faithful, it is only *practical* infallibility. Let it recognize itself to be of that nature; let it, in an age that measures the distances of the fixed stars, not claim to be immeasurably certain; let it be wisely exercised and not attempt to stretch itself beyond the bound which the nature of the human mind forbids it to transgress, under pain of futility and everlasting ridicule; let it promise not to interfere with the free work of science, and it may even yet recover the respect of mankind.

*A History of Auricular Confession and Indulgences in the Latin Church.* By HENRY CHARLES LEA, LL.D. (Philadelphia: Lea Brothers and Co. 1896. Three vols., pp. xii, 523; viii, 514; viii, 629.)

EVERY work from the pen of Dr. Lea is awaited by students of church history with eager and confident expectation. Not only is he the first American scholar in this field, but for command of material and thoroughness of investigation he has there no living superior. The volumes now before us will not disappoint this expectation. They separate naturally into two parts, the first two being devoted to the former of the subjects named in the title, the auricular confession, while the third contains the treatment of indulgences. Considering first the subject of confession, we find that the central point of Dr. Lea's interest in these two volumes is the nature of the Roman ethical theory. His treatment of the institution of the confessional is really only a basis and an illustration of this larger idea. He is not primarily concerned with the obvious dangers of an institution through which a class of highly trained human guides undertakes to govern the conduct of all the rest of mankind, though he is plainly interested in this aspect of the case as well. Rather he desires to examine the principles according to which this class of professionals try to determine in specific cases what a human being may properly do and leave undone.

Obviously we are not here concerned with exact science. The data of

ethics are themselves precisely the most difficult part of the subject, and whatever appearance of precision a system of ethics may have, there always remains the possibility—nay, the certainty—that the underlying data will be questioned, and that, in so far as the questioning takes place, the system itself will go to pieces. Evident as all this is, the history of confession shows that the Roman Church, both officially and unofficially, — through its judicial organs, that is, and through its scholars, — has steadily aimed at making precise what it has all along felt could never lend itself to precision. It has been bound to appear infallible, as courts of law must always be; but it has also felt that the human will was a feeble and uncertain agency, and so to be tenderly handled. A system it must have, but the bases of the system must not be too rigidly built. It is this continual interplay of human passion with the stern requirements of a code claiming to be divine and an administrative machinery which can only cover its frailty by the same claim of divinity, that lends to all study of the church law its peculiar fascination.

The character and the value of Dr. Lea's work cannot better be shown than by following the line of thought just indicated. He aims first of all to lay broad and firm the historical foundation of the confessional. He of course rejects all idea of a specific divine ordination, which would simply remove the whole subject from the field of historical inquiry, and examines the earliest indications of the idea that the Christian Church was a disciplinary institution. He finds here no indication that the control of the Church over its members had any reference to the forgiveness or remission of sins. What the Church originally aimed at was rather reconciliation than absolution. It laid down, as every association of men must do, the terms of its own membership, and, when these were violated, it declared the terms upon which the offender might be received again into its common life. Now one of the conditions of this reception was — and this almost as a matter of course — some more or less formal acknowledgment of wrong and of intention to conform to rules in the future. Here is the germ of the later confession. Assuming what we may now fairly describe as the historical conception of the early Church, the author goes on to show that the Church — *i.e.* the body of Christians — was the organ of this primitive "confession." The person disciplined acknowledged his fault to the community, publicly. There was no intermediation of the priest, excepting, indeed, as the presiding officer of the assembly; with increased organization, and especially with the development of "heresy," all this question of purity in membership became more acute, but it never involved the idea of privacy or of personal relation between penitent and priest until long after the early trial of the Church was over, and the triumph of the priestly idea had begun. In the long period down to the thirteenth century two parallel currents of ideas on this point are discernible. On the one hand we find a growing priestly class claiming for itself an ever larger and larger function as a mediator between sinful man and a forgiving God; on the other hand we find a steady resistance to this notion,

and a continued repetition by the best minds of the principle that the individual soul must seek its reconciliation with God alone.

It is in the course of this conflict that the practice of auricular confession is developed. Its early motive is curiously expressed in a letter of Leo I., in 452. He forbids the reading of public confessions, not, as the later idea would have it, because of any specific absolving power of the priest, but because fear of exposure was keeping many from acknowledging their sins. It is enough if a man confess first to God and then to the priest. Even then its growth was gradual. Dr. Lea's argument here is from the frequency of repetition of the requirement for stated confession, a negative argument always to be used with caution. He fortifies it, however, with some convincing illustrations, as, *e.g.*, the persistency of public confession in the monastic orders until the increase of the sacramental idea in connection with penance made it doubtful whether such public confessions were sacramental enough in character to make them "good." The substitution of private for public confession in the orders brought in a new set of troubles, and was at least coincident with the weakening of discipline which marked their decline. The triumph of the confessional as a necessary step in deliverance from sin is as late as the twelfth century. It came with the formulation of the great mediæval sacramental system, in popular form, and its elaboration by the schoolmen. Until then it had been taken too seriously to become popular. Now it was seen that it might be adapted to human frailty, and its popularity was secure.

Dr. Lea reaches this point at about the middle of the first volume, the rest of which is occupied by a very careful examination of the growth of detail in connection with the act of private confession. He discusses here questions of jurisdiction, especially the rivalry of the regular and the secular clergy, and of "reserved cases," whereby the power of the parish priest was prevented from reaching so great a height as it at first threatened to do. His examination of the detail of the confessional act itself, the attempts to define it and to render it complete and effective, is very thorough and immensely suggestive; but perhaps the most generally interesting chapter in this volume will be that on the "seal," the implied contract with the penitent that his confession shall be kept with inviolable secrecy. Nowhere else is the terrible strain on human nature, implied in the whole confessional system, more evident than here. The principle may be very simply stated, but the complications arising under it are infinite, and it is not surprising that men were led to the most painful stretching of common morality in their struggle to maintain so unnatural a relation. We owe an obligation to Dr. Lea that he has resisted all temptations to ornament his pages with stories of violated confessions, of which the scandal-monger may elsewhere find enough.

The second volume deals with the vast multitude of philosophic and ethical aspects opened up by the practice of confession and the consequent attempts at defining the whole penitential process. The infinite variety of human action, and the possibility that every action might involve



a sin, drove the doctors and the clergy who resorted to them for advice to their wits' end to keep up the ever shifting balance between right and wrong. Indeed, we may well wonder with Dr. Lea whether these hair-splitting theologians had any conception of permanent moral distinctions. Given a rigid system of divine ordinances, and over against them frail human nature, and we can well understand that a church which cares for the souls in its charge would go all lengths of leniency in interpreting the law so as to meet the demand of human weakness. Dr. Lea works up his subject from the chapter on the penitential system to that on probabilism and casuistry with quite convincing force. By the time he has shown us the vast range of activity to be covered by the tribunals of the Church, the infinite refining upon human sinfulness, the distinctions between mortal sins and venial sins, between sins theological and sins philosophical, we are tempted to believe that men were simply trying to make sin as convenient and as safe as possible, and were totally without guiding principles of judgment. We believe, however, that this conclusion would be wrong. Doubtless the mechanical system of the Roman ethics led inevitably to vast and terrible evils. Its very formality seemed to take the weight of sin off the shoulders of the individual and throw it upon the institution. Yet it would be possible always to find such men as Dr. Lea enumerates in the concluding chapter of his second volume, men like Baronius, Ximenes, and Fénelon, who interpreted the awful responsibilities of the confessional with a simple directness which shames all the ethics of the schools. The error of this over-refined morality was after all only that of every moral theory which dares to trifle with the plain dictates of conscience when it comes face to face with temptation. "But surely," the casuist would reply, "the conscience needs education, and who so fit to educate it as they who through experience and training have sounded all the deeps and shoals of human motive." So that we are inevitably brought round again to the one fundamental error of the whole confessional theory — the notion that there can be a body of men suited to so delicate a function. That the confessional has succeeded only under the most favorable conditions of an ignorant, simple, and well-meaning people on the one hand, and a pure, direct, and self-distrustful clergy on the other, is not strange. The only wonder is that it could succeed at all. When these conditions are changed, and we have on the one hand a world enlightened, complicated, and self-seeking, and on the other a clergy corrupt, trained in scholastic sophistry, and bound to maintain its own interest at all hazards, the strain is more than can be borne. Dr. Lea's chapter on probabilism and casuistry is a masterly presentation of the subtleties of a desperate logic, wherein an honest man could not venture without deadly peril to his honesty. Yet there is no question that much of this apparently unscrupulous twisting of plain common sense was a praiseworthy effort to work out of a moral muddle along the same road by which men had got into it. To have done otherwise, to have struck off on the straight right angle of simple honesty, would have meant revolution, and revolutions are long in the breeding.

The third volume is devoted to the subject of indulgences as flowing naturally from the theory of penance defined and illustrated in the two former ones. Dr. Lea begins, as before, by disposing of the argument that indulgences are of original, divine institution, and then directs his inquiry to ascertaining precisely by what historical process the idea which underlies them made its way into the practice of the Church. That idea is that after a due penance has been properly imposed the whole or any part of that penance may, upon a suitable consideration, be remitted by the Church, as the divinely appointed administrator of this great trust. This remission is the indulgence.

So far we have nothing new. Dr. Lea's service is not in making a definition, but in showing the process by which the thing, here so simply defined, came to mean so vastly more, that men, both within and without the Roman Church, have at times quite forgotten the simplicity of its origin. The Church, as administrator of a grace of God, was bound to have some theory of the basis for its action, and in time two such bases were evolved,—one the general principle of the keys, the binding and loosing function, which covered also the whole process of absolution ; the other the theory of the "heavenly treasury." This latter idea is shown by Dr. Lea, and is indeed recognized by candid Catholics, to be a pure invention or discovery of a very late date. It proved so effective that it rapidly overgrew all other forms of sanction and took on shapes of incredible diversity as ever new cases offered themselves for its practical application.

This volume is chiefly occupied with the detail of this extension. Beginning simply enough with the liberation of an individual from the burden of a heavy penance on condition of the performance of some "work" for the advancement of religion or morality, the meaning of the "work" was extended to a money payment, always with the understanding that the money was to be applied to a religious purpose. Then, as the doctrine of purgatory was evolved, the purgation of the soul after death was easily conceived of as precisely similar to the condition of penance in the living and therefore as subject to the same theory of remittance ; but, since the dead could do nothing for themselves, it was easily established that a man might anticipate his purgation and shorten it by suitable provision during his life, and then once more, since no one could be sure that his probation was all provided for, it must be that a way of relief was open to him through the action of his survivors.

In all this there was no idea which, however resisted at first, could not be made acceptable to the kind of minds to which it was addressed, and from about the twelfth century the system made very rapid strides. Dr. Lea has brought to bear upon his subject almost every possible illumination from the history of the time, but one point of view he has not developed, though it can hardly have escaped him,—the immense economic advance of Europe under the lead of Italy at precisely the time when this essentially commercial aspect of the Church's function was put most prominently forward. The substitution of a money payment for a spiritual penalty could

hardly have become popular until the European peoples were familiarized with the freer use of money in all other transactions. The great banking houses of the rising Italian cities furnished a practical working model on which men could construct their notions of the vaster banking system of the heavenly treasury.

Here, rather more than in the first part, the order of treatment is chronological. One gains an impression of unity somewhat lacking in the earlier volumes. The picture left in one's mind is that of a perfectly well-conceived purpose to take advantage of every circumstance, both in the conditions of the world and in the internal policy of the Church itself, to exploit to the utmost this unparalleled control of a single human power over the destinies of men. So complete is this impression of continuity that, as one is carried along by Dr. Lea to the very latest utterances of the Roman power, one is left to wonder what will come next. For these very latest nineteenth-century declarations of indulgence are as extravagant and as unlimited as any ever put forth. The method is more decent, as are the times, but there has been absolutely not one change of theory to meet the advancing thought of our day.

In spite of the subjects of controversy with which this special topic fairly bristles, Dr. Lea maintains to the last word the same attitude of scholarly simplicity and directness with which he began. His aim is to get all the clearness possible into a subject where every detail has been disputed, and where hardly any point has been authoritatively fixed. His definitions are drawn, so far as possible, from the accepted Roman jurists and theologians; yet he constantly emphasizes the lack of certainty upon questions which the average man would regard as the most vital. Here, for example, is a system of book-keeping in which the account is kept in terms of numbers and periods of time; and yet, between the several elements of the computation, the amount of sin in the individual, the length of his future probation, the amount of merit which may be at his disposal, his balance in the divine bank, and the price he is called upon to pay in money or in kind,—between all these elements there is not and never has been any known relation. Indeed, there has seldom been a time when the conditions of an indulgence were not subject to grievous doubts in the minds of the best friends of the Church. We are here given many illustrations of such cases, but, happily, in all of them the invalidity was easily removed by a simple declaration of the power that stands for God to the faithful soul, and no harm was done. Dr. Lea's great merit is that he has thus clearly indicated the precise causes of difficulty in his subjects. If one does not find here exact definition of the stock phrases of the indulgence system, one finds at least that exactness is here impossible and why it is so.

As to our author's method, he gives us the clue to it in his brief preface. He has consistently followed the plan of letting the highest authorities on the several topics speak for themselves. His own part has been that of selection and arrangement. He has, as he says, "been sparing of comment, preferring to present facts and to leave the reader to draw his

own conclusions." We owe him thanks that he did not say "the facts," for then we should have been bound to inquire "which facts?" As it is, he has not committed himself; he has been free to select and arrange at his own discretion. Obviously another writer on the same subject might lay down the same general principle and follow it just as consistently and yet leave an impression totally opposed to that of this book. Facts we have here and in abundance, and that is all the author has promised us. The amount of reading and note-taking that preceded the publication is prodigious. If, as we look over the volume as a whole, the note-book seems a little too much in evidence, we must remind ourselves that in polemics of this sort we have to choose between some such method as this and some form of direct and presumably violent assault. As between these two, we prefer what Dr. Lea has given us. It will satisfy all those who can accept his definition of "facts," and those also who cannot will still be at liberty to select a group of other "facts" for themselves and arrange them to suit the taste of their own circle of readers.

The most that can be said in praise of any author is that he has done well what he tried to do, and this may, almost without reserve, be said of Dr. Lea. His argument, although put in a form somewhat fragmentary, rises steadily to a climax, if only we have patience to follow it. A certain confusion is sometimes caused by a kind of repetition inevitable in any topical arrangement, where the several topics run into each other so persistently as here. For example, it requires rather careful reading to make quite clear to one's self that there was from an early date, certainly from the third century, a practice of private confession, which Dr. Lea believes, probably with reason, to have been a something exceptional, and, on the whole, not highly approved. This confusion comes from the repetition of references to the same phenomenon in many different connections and from many points of view. It suggests in these volumes a certain lack of "editing." On the other hand, one finds in individual chapters admirable little essays on distinct topics, as, for example, besides those already referred to, in the chapters on absolution, on the classification of sins, on "satisfaction," and on the development of purgatory.

The apparatus of scholarship appears in Dr. Lea's volumes in the form of abundant footnotes with references to works he has consulted, but it is to be regretted that these references were not either more or less complete. One would be grateful for at least one complete statement of the full title of each work referred to and an indication of where this statement is to be found. Still more serviceable, especially in a work dealing with a subject so little studied as this, would be some account, were it never so brief, of the sources most often referred to. On the other hand, we could well spare the repeated references to given pages of the same work, and also the repetition of much-abbreviated titles. By this exchange of space the volume of the book would hardly be increased, while its usefulness to the audience which it primarily addresses would be much greater.

E. EMERTON.

*Woman under Monasticism: Chapters on Saint-Lore and Convent Life between A.D. 500 and A.D. 1500.* By LINA ECKENSTEIN. (Cambridge: University Press. 1896. Pp. xv, 494.)

IN view of the difficulty of compressing into a single volume the story of religious woman for a thousand years, the author has wisely limited the scope of her studies, for the most part, to Germany and England, and has called the work a series of chapters rather than a history. The historical part of the work begins in reality with the second chapter, which treats of monastic life among the Franks, since the earlier pages attempt to connect heathendom and Christianity through the tribal goddess and the woman saint by conjecture more than by evidence. Folk-lore and history both testify to the transfer of many heathen rites and conceptions into early Christianity, but it demands a painful stretch of the imagination to trace the Christian reverence of woman back to the time when tribal relations were determined by *Mutterrecht* rather than by descent through the father.

The first century of Frankish Christianity was its darkest period, for the conversion of these Germans was decidedly superficial, if we may judge by the doings of their rulers and the naïve statements of their historians. Yet a few bright lights appear. St. Radegunda of Poitiers and her poetic friend Fortunatus are familiar figures to the student of this period, but the character of the convent life of the time is not usually so well brought out as it is in the author's description of the revolt of the nuns of Poitiers, a few years after the death of Radegunda. For two years the sisters defied churchmen and laymen to place an undesired abbess over them. Independence of spirit does not seem to have been confined to men, even before the days of Brunhilda.

The history of convent life in England during the early Anglo-Saxon period is hardly more than a catalogue of foundations. Houses were established for women in abundance; but information as to the character of the life within is not easy to obtain. Whitby and Ely are seen to be centres of influence at certain times owing to the position and character of their abbesses, but it is difficult to make an account of the period interesting. One significant feature, however, should be noted in the fact that so many of the abbesses of the time were daughters of the royal families; and in this connection one may profitably compare the genealogical tables in Montalembert's chapter on Anglo-Saxon Nuns.

During the early part of the eighth century the literary powers of numerous English religious women were brought to light in their correspondence with Boniface, the missionary to Germany. To the historian's regret, these letters are so largely of an introspective, or devotional, character that they afford few glimpses of the life of the time. This friendship did lead, however, to the voluntary transfer of a number of Anglo-Saxon nuns into the German missionary field, and eventually they became prominent in ecclesiastical matters. Hence the transition is easy to an account of convents in Germany.

The Old Saxons were the last branch of the German race to accept Christianity, but seem to have developed at once a vigorous monastic life. The heads of convents here as elsewhere were usually of distinguished lineage, and the religious houses became the recognized centres of culture. Between the years 800 and 1000 this region produced numerous monuments of literature. Herford, Essen, Quedlinburg, and Gandersheim are particularly prominent as seats of learning and piety. To the latter place the author devotes considerable space, and still more to the most brilliant product of the Gandersheim convent, the Nun Hrotsvith (Roswitha, 932-1002?). Descriptions of her poems and legends are accompanied by copious extracts from her dramatic writings, which show that mediæval woman was also ready to attack the so-called social question of her day, though with loftiness of purpose and becoming modesty. Her contributions to history were considerable, but she is perhaps more interesting herself as a product of the age in which she lived.

The chapter on the monastic revival of the Middle Ages is a very compact account of the foundation of the many new orders which sprang up between the eleventh and thirteenth centuries. The details are dry, but are perhaps necessary to show the new careers opened to women, and to point out the motives which led to such a multiplication of denominations within the religious world.

A consideration of art industry in mediæval convents shows that women had many of the employments of men, even to the copying of manuscripts, but that they were particularly skilled in embroidery. The highest degree of excellence in all these branches was reached in the first half of the fourteenth century, after which there was a steady decline owing to the new industrial competition of the towns. In this connection the author gives considerable space to that remarkable character of the twelfth century, Herrad of Hohenburg, who compiled, copied, and illuminated with her own hand what may be called an encyclopædia of contemporary life. Her miniature work in this *Hortus Deliciarum* was the wonder of artists until the manuscript was destroyed in the siege of Strassburg, but one can hardly less admire her literary and educational conceptions.

The women chosen to represent the prophetic spirit in convent life are St. Hildegard of Bingen and St. Elizabeth of Schönau, both from the twelfth century. Among those conspicuous for philanthropy we see the familiar figures of Hedwig, patron saint of Silesia, and St. Elizabeth of Thuringia. A study of the contemplative side of religious life leads to a chapter on the mystic literature written particularly for women. In England attention is called to the poems of Thomas de Hales and the *Ancren Riwe* of disputed authorship. In Germany the convent of Helfta produced during the thirteenth century a body of mystic writings by women themselves, which maintained its influence for a long period. So different, however, is the spirit of that time from ours that it is difficult to take up the subject with sympathy.

Convent life in its internal and external relations is treated in interest-

ing chapters, which, though they reveal nothing new on the subject, throw needed light on other topics. The theoretical rules of conduct remained about the same for long periods, but every generation placed its own interpretation upon them. The author takes pains to refute the notion that monasteries were hotbeds of idolatry and superstition by saying that the ceremonials complained of by their critics were adopted by an earlier age for the very purpose of preserving the faith, and had that effect at the time. As educational centres convents retrograded as the occupations of the nuns became more exclusively devotional.

The decline and fall of mediæval monasticism is presented in chapters on the reforms attempted before the Reformation and on the dissolution in England. Visitations of nunneries do not begin with Henry VIII., for a critical attitude was apparent in the fourteenth century. The independence of monasteries was long fought by the bishops and was finally overruled. Evident evils were in process of correction before the violent interference of the Reformation. The author agrees with Gasquet that the dissolution in England was harshly and cruelly carried out, but does not accept the suggestion that the monastic property could have been successfully taken over by the reforming party and adapted to new uses, although in many cases this was done in Germany by converting the convent into a school or home for indigent women.

A picturesque *dénouement* is given to the book in a sketch of the Abbess Charitas Pirckheimer, sister of the humanist of the same name. She was not only an enlightened woman but of such vigorous character that she was able to keep at bay till the end the reforming party of Nuremberg. She was one of the last great "women under monasticism."

The book is a careful piece of historical work. It enters a field which has been much studied and brings forth no new results, but there is evidence of close contact with original sources, though one may differ here and there with conclusions drawn. The treatment is scientific as over against the legends of Mrs. Jameson, and cool as compared with the emotional periods of Montalembert. When woman is separated from the other religious life of the time the picture is incomplete, but the author has successfully depicted a series of characters who deserve remembrance.

J. M. VINCENT.

*Geschiedenis van het Nederlandsche Volk.* Door P. J. BLOK.  
(Groningen: J. B. Wolters. 1892-1896. Three vols., pp.  
384, 580, 548.)

A FULL history of the Dutch people by a native master of materials and methods has long been a desideratum. To the matter supplied by the old annalists and folio-makers, vast stores have been added by scholars in various countries who have delved in the archives long since opened by the governments of Europe. Professor P. J. Blok, successor to the veteran Dr. R. Fruin, who was his teacher, in the chair of history at the University of

Leyden, has essayed the congenial task, and three volumes of his work, bringing the narrative down to the Great Truce of 1609, are before us. Dr. Blok divides Netherlandish history into seven eras: I. From the most ancient time to the full development of the feudal states in the fourteenth century; II. The Burgundian era; III. The eighty-years' war, ending in 1648; IV. The Republic, which fell in 1795; V. The French domination until 1815; VI. The Kingdom of the United Netherlands; VII. A history of Netherlands after the separation from Belgium.

As preparation for his grand work, he has spent much time among the archives of various countries and especially in those of his own. Besides monographs and sketches he has published two books, "*Eene Hollandsche Stad in de Middeleeuwen*," "*Eene Hollandsche Stad onder de Bourgondisch-Oosterrijksche Heerschappij*," illuminating the story of Leyden, and "*Lodewijk van Nassau*," brother of the Silent One. He has been tutor of Queen Wilhelmina and is a prominent figure at great historical anniversaries in the Netherlands. Being but forty-two years of age and in excellent health, there is hope that he may complete the work as planned.

The volumes are handsomely printed and bound, with an appropriate map and index in each, the first two volumes having an appendix on authorities and sources of information. The essay in Vol. I. is of great interest as showing how history was written in the cloisters. Dr. Blok is generous in his references to authorities, though foot-notes proper are few and brief. His thorough familiarity with modern historical literature enables one who wishes to do so to construct from his references a bibliography of the latest and best critical writing concerning Netherlandish history. Every page shows him at home also with the standard Dutch historians, Bor, Hooft, Van Meteren, Wagenaar, Fruin, etc. While keenly appreciating Motley and realizing how effectually our countryman stirred up the Dutch scholars to noble industry, Dr. Blok regards him as a colorist in words, a dramatist and partisan, rather than a thoroughly trustworthy writer. Indeed, in one place he intimates that into the penetralia of Dutch politics Motley did not enter, thus confirming the judgment so often given by private Dutchmen in conversation that Motley depended too much upon foreigners for his knowledge of the springs of Dutch thought and action. Dr. Blok is far from being a mere annalist. He takes for granted an ordinary knowledge of the subject among his readers and avoids needless details, except as these are absolutely necessary. His plan, finely carried out in Vols. I. and II.,—we are not so sure of it in Vol. III.,—is to picture life, custom, thought, dress, manners, ideas, business, and markets as well as war and politics. His style is graphic and often reaches the point of fascination. It combines the dignity of stately narration with the charm of colloquial confidence.

In Vol. I., Book 1, the author treats of the primitive dwellers during the night of unlettered Netherlands, before Cæsar, the Stanley of antiquity, found a path through the regions bordering the North Sea and let fall the light of written description upon them. How the Romans and the men,



both of the vile and the good soil, in this delta land dwelt together, is pictured with skill and rhetorical power. Book 2 reveals to us the Frankish era. Then, Franks, Saxons, and Frisians traded, fought, and struggled together, making the stock of mediæval and modern Dutchmen. Then, Charles the Great and his successors erected on the ruins of Roman authority a government which itself in turn aged, weakened, fell, and made way for feudalism. The iridescence of myth, poetry, and fairy lore, which rises on the surface of the stream of narration, shows incidentally how rich is the common inheritance of the speakers of Dutch and English. In Book 3, when he takes us amid the little feudal states, Dr. Blok is thoroughly and happily at home, leading us easily through the maze. To Motley, this period seems as early England did to Milton,—a time of kites and crows,—but under Blok, the Dutch J. R. Green, we see in the feudal strifes of Holland, Friesland, Brabant, Limburg, and Flanders the exact conditions under which the later city-republics and larger states arose. Many brilliant passages are found in his descriptions of the crusades, of the reclamation and peopling of this naturally barren country, and of the estates spiritual, noble, and imperial. In Vol. II. we study the era of the Arteveldes, and the centre of interest is in Flanders and the southern Netherlands. Book 5, which treats of the Burgundian era, sparkles with the splendors of feudalism at its best estate. Here, not only trade and commerce, rustic and urban life, cloister and church, castle and tourney, but also art, letters, and law have an exact and appreciative chronicler.

We think it a fair criticism to make that Vol. III. rather falls behind the other two in brilliancy of graphic narration, for it is almost wholly political in subject while more severely serious in cast. It may be, however, that in the next volume the author's idea of furnishing a history of the Dutch *people* will be more closely adhered to. He is doubtless fully justified in first of all narrating the events leading to and falling within the first half of the war, and leaving for another volume the story of life in city and country and of the wonderful growth of wealth and luxury in Holland even during a struggle for existence. To the reader of Dutch that which seems at first sight a defect is made up in Fruin's masterpiece "*Tien Jaren uit den Tachtigjarigen Oorlog*" (1588-1598), of which we have the fourth edition in 1889 and to which Dr. Blok often refers. In this Vol. III., with notable increase of dramatic power the author sets before us the determined men who stood in the forefront of the death struggle between arbitrary authority as represented by Spain, and freedom under law as embodied in brave little Holland. His limning of Philip, Alva, Requesens, and Parma on the one hand, and William, Maurice, and Oldenbarnevelt on the other, is most masterly. We have "speaking portraits." We are free to say that in judicial calmness, poise, and conviction, with fairness to both sides, the Dutch excels the American narrator. With a grasp upon the latest critical Spanish literature which explains both the economic and social as well as the political condition of Spain during the mighty struggle, the author reveals the secret of the weakness and decay of the great peninsular power.

Holland's increasing strength, which surprised contemporary spectators and later students, and the causes of it, are better known. "The days of Maurice and Oldenbarnevelt" is the prelude to one of the most terrific political duels in modern history. The "minute details" concerning the alliances of England and France, Leicester, whose character is a puzzle, and the splendid conquests of navigation, are probably not too voluminous. Literary proportions are carefully studied and comparatively little is said of battles and campaigns. Good use has been made of the rather abundant writings of the English captains who served in the Low Countries. Throughout Dr. Blok combines happily, we think, the functions of a cool critic and impartial judge with those of an interesting story-teller. We shall look for future volumes with interest.

WM. ELLIOT GRIFFES.

*Select Cases from the Coroners' Rolls*, A.D. 1265-1413, with a brief Account of the History of the Office of Coroner. Edited for the Selden Society, by CHARLES GROSS, Ph.D., Assistant Professor of History, Harvard University. (London: Bernard Quaritch. 1896. Pp. xlv, dbl. pp. 159.)

For the student of English institutional history none of the eight preceding volumes published by the Selden Society is perhaps so valuable as Professor Gross's *Coroners' Rolls*. In a narrower field he has here accomplished what he did for scholarship in his epoch-making book on the *Merchant Gild*. It is hardly too much to say that he has fairly rescued the office of mediæval coroner from the obscurity in which even the ablest of our constitutional writers have left it. For the first time we are able to see somewhat clearly how really important was the office of the elective magistrate as compared with that of the king's sheriff, by which hitherto it has been quite overshadowed.

The historical account is a fine piece of special research. The leading writers, including Mr. Maitland and Bishop Stubbs, have sought the origin of the coroner's office in the articles of the eyre of 1194, requiring that in every county three knights and a clerk shall be chosen as *custodes* or keepers of the crown pleas. But Dr. Gross finds in the municipal charters, Pipe Rolls, Curia Regis Rolls, and other documents, evidence which seems to show that both borough and county coroner existed before this date, at any rate as early as the reign of Henry I. The office was thus developed side by side with that of the itinerant justices, both becoming "firmly established under Henry II." These early coroners not only kept but also held pleas of the crown; and it is strongly argued against Professor Maitland that they continued to exercise both functions until 1215, when by c. 24 of the Great Charter the coroner, like "other bailiffs," was forbidden to hold *placita coronæ*. Even later than 1215, he could "pass judgment on felons caught in the act," and conduct "jury trials in ordinary civil pleas, either taking the place of the sheriff or, more commonly, associated with him."

The functions of the coroner were manifold. Aside from the inquests in cases of violent or accidental death, he heard the "appeals," or "criminal accusations, brought by one person against another, the final trial being reserved for the eyre"; made a record of exigents and outlawry; and received the confession of criminals who turned "approvers" or informers. Thus (p. 128) in February, 1292, Richard of Scot Willoughby "came before the coroner and sheriffs of London . . . and confessed that he was a thief, and he appeals William Bishop and Richard Fewyth who live at Titchmarsh near Thrapston in the county of Northampton, and Roger Leney of Warden in the county of Bedford, of having participated in robbing two merchants of forty marks near Bath, and in killing them, as they were coming from the Winchester fair." So also when a felon fled to sanctuary his confession and abjuration of the realm were received by the coroner. For example (p. 68) on March 10, 1324, "Richard Lubbe of the castle of Eye in the county of Suffock took refuge in the chapel of St. Thomas the Martyr in Oundle . . . and confessed before Henry of Titchmarsh and four neighboring townships . . . that he was a thief, and had stolen a mare at Toseland in Huntingdonshire . . . ; and he abjured the realm of England on the following Wednesday," the port of Bristol being "assigned to him."

Other functions show that the coroner was the complement of the sheriff, taking about as important a part as the latter in the judicial and administrative business of the shire. In civil pleas, as we have seen, he took the place of the sheriff, or acted with him; and in the county court his "position and activity were not much inferior." The coroner alone or with the sheriff "sometimes convened the hundred for judicial business, and even held the sheriff's tourn"; and the two magistrates were associated in other duties, such as the attachment of persons "breaking the assizes of bread and beer and measures." In default of a sheriff, or if the latter were a party to a suit, the coroner took his place. In short, Professor Gross has established more clearly than ever before that the coroners were intended to act as a check upon the sheriff. "In criminal matters their rolls had more authority than his," and as the power of the latter decreased, that of the former grew in importance. The coroner was at once the agent of the crown and the representative of the people. His dual position was the result of sound policy. By giving him power at the expense of the sheriff, and placing his "election in the hands of the people, the king diminished their grievances and at the same time made them responsible for the proper exercise of this office."

By far the greatest space in these rolls is taken up by the ordinary inquests on the bodies of the dead. Incidentally much light is thrown by them on social, legal, and constitutional questions. One is impressed, for instance, by the number of inquests in cases of death in prison from hunger, cold, and thirst, or on the bodies of those drowned by accident in wells and ditches, or slain while defending their houses against house-breakers, sometimes in open day. At the inquests deodands were appraised

and Englishry was presented. It is noteworthy that this custom appears in the rolls, even in the case of death by accident, as late as 1332 (p. 82). The purpose of its retention was probably the murder-fine which the hundred had to pay to the king if Englishry were not proved. Bishop Stubbs is scarcely exact, therefore, when he declares (*Const. Hist.*, I. 589) that, in the period between Stephen and Magna Charta, presentment of Englishry "loses what significance it ever had."

But it is for the history of trial by jury that the inquests are most instructive. The coroner's jury was not always constituted in the same way, and its procedure in finding a verdict varied. Usually it was composed of twelve *juratores*, drawn probably from the whole hundred, and of the "reeve and four men" from each of the four neighboring vills or townships, including the one in which the death occurred or the body was found. In the normal case, therefore, the entire jury comprehended thirty-two men. But the "four vills and the twelve men seem often to be regarded as two distinct bodies; their verdicts may be given separately. Then, again, each vill may make its own statement; or the vills may find a verdict, collectively and severally." But sometimes the four vills alone or the twelve *juratores* alone formed the jury. Now, in those cases where two distinct bodies gave separate verdicts a relation is established between them which may well have suggested that existing between the jury of presentment and the petty jury which made its appearance sometime after the abolition of the ordeal *ca.* 1219. It is possible, in fact, that in the four vills of the coroner's inquest, we have the model for the later petty jury. For at the eyre in the days of Henry III., notably in trying appeals of felony, the verdict of the twelve *juratores* of the hundred, who had both presented and tried the accused, was submitted to the four neighboring vills. "If they agree with the hundredors, sentence is passed." By the time of Edward I., according to Pollock and Maitland, "the practice of swearing in these villagers seems to be abandoned as the accused acquires his right to a second jury of free and lawful men." Moreover, the theory that the action of the vills at the eyre is the prototype of the petty jury becomes more plausible when it is considered that these may often have been the same four townships which, in a manner, had traversed the verdict of the twelve men of the hundred at the coroner's inquest. Another point is of interest. The four neighborhoods are sometimes found at the eyre aiding the presenting *juratores* by their testimony, "seemingly when the latter were in doubt or when the court deemed it expedient that they should be afforded." Is it rash to suggest that this procedure may have been one of the influences which led to the separation of the witnesses from the judges of evidence, an event of so great importance in the evolution of trial by jury?

The coroner's office, it is strongly urged, was the link which bound together the central and local governments; and it had a decisive influence on the principle of representation. Many boroughs had coroners of their own, from one to four being elected for each town by the "civil com-

munity." Rarely were the lords of manors allowed to appoint them. In each shire from two to four coroners were elected for life in full county court, and in the thirteenth century these were "knights." Here is discovered the "mould" or "prototype" of parliamentary representation; "the exact counterpart of the knights of the shire, who in the reign of Henry III. were two or four in number, and were chosen in the county court."

The editorial work is thorough and helpful at every point; and Dr. Gross's book will be heartily welcomed by every student of the English law and constitution.

GEORGE E. HOWARD.

*Introduction à l'Histoire de l'Asie. Turcs et Mongols, des Origines à 1405.* Par LÉON CAHUN. (Paris: Armand Colin et Cie. 1896. Pp. xii, 519.)

THOUGH we have long been in possession of voluminous and learned histories of the Turks and Mongols,—translations of works of Oriental writers or compilations by various European scholars, among whom I will only mention De Guignes, I. J. Schmidt, Baron d'Ohsson, Sir Henry Howorth, and, quite recently, Dr. H. Huth and E. H. Parker,<sup>1</sup>—the present volume of Mr. Léon Cahun will be read with great pleasure, not only by those interested in the special subject of which it treats, but also by all philosophical readers who seek in the narrations of history the solution of the great laws governing the growth and decay of nations.

The scope and purpose of Mr. Cahun's work are best shown in his own words in the preface of his book (p. ix):—

"Until science and method," he says, "supplanted faith and brute force, the Turks and Mongols dominated Asia and eastern Europe; religious enthusiasm played hardly any part in their wonderful fortune. At the time of their greatest power, their typical empire, that of the Mongols, had no well-defined religion. But all that could be done with the sword the Turks and Mongols accomplished. In them is incarnated the military spirit; their virtues are those of true warriors, courage, obedience, straightforwardness, good sense; they have been careful governors, firm administrators; far from scorning art and science, they have done homage to intellectual processes; they have endeavored to adopt them, to make them natural to themselves. But the mould of their original thought was too narrow and misshapen to contain and transform the civilization of Persia or China; confined to such a mould, it burst it asunder and lost every trace of the form which the natural correctness and clearness of view that characterized the Turk had sought to impart

<sup>1</sup> It is to be regretted that Mr. Cahun has not been able to avail himself of the *Tarikh-i-Rashidi* of Mirza Haidar, a work of great value on this subject, especially in the recent translation of E. D. Ross, and that he has also overlooked a most valuable study by E. E. Oliver, entitled "The Chaghatai Mughals," published in the *Journ. Roy. Asiat. Soc.*, n. s., XX. 72-128.

to it. These conquerors were, notwithstanding their innate intelligence, incapable of developing and applying to their own lives what they had learned from the Persians and Chinese ; they remained shackled to their dead bodies. . . .

"The Turkish peoples are agents, elements of action, whose material rôle is preponderating, decisive, but whose moral rôle is limited. They have availed themselves of Arab thought, Chinese thought, Iranian thought. Without them, throughout the broad expanse of Asia, neither Iranian nor Chinese nor Arabic thought would ever have passed their own political frontiers, beyond which the brutal genius of action, the warlike impetuosity of the Turks, have carried and combined them. . . ."

On the early history of the Turks, the Hsiung-nu and T'u-kueh of the Chinese, Mr. Cahun quotes from the Chinese annals and the recently deciphered monuments in ancient Turkish script. By their help he draws a most vivid picture of these peoples at the opening of the historical period of their existence, and of the regular, and, on the whole, successfully followed Chinese policy which, by the way, China has adhered to down to the present day with equal success, in regard to these dangerous hordes ; driving away the most unruly from the Empire, subsidizing or assimilating others, and planting Chinese colonies along the most exposed borders. Under the impulsion given by the Chinese, the Western T'u-kueh pushed westward, and from the first to the seventh centuries of our era, under various names, they carried their victorious arms through Asia and Europe, finally holding in their hands, in the sixth century, the balance of power between the Roman and Chinese empires.

Passing to the question of the religion of the Turkish peoples, Mr. Cahun describes with great detail their primitive faith and also shows, conclusively to my mind, that the only religion which has perfectly suited their phlegmatic natures has been Buddhism, in which they have found a freedom and comfort entirely lacking in all the other forms of religious belief they have at various periods adopted. Our author also notes that the Buddhist spirit pervades pure Turkish literature of all periods.

In the second chapter of his work Mr. Cahun treats of the Turks from the seventh to the twelfth century, of the empires of western Asia destroyed or founded by them, and of the profound modifications which the introduction among them, by the Arabs, of Islamism, has had on the subsequent history of Asia. "The Mussulman revolution," he tells us, "decided the fate of Asia, without, however, the will of the people who ruled Asia through their geographical position and by the force of their arms having counted for anything in this result. The Turks became the Mohammedan representative of Asia against Christian Europe without even noticing it. These men, proud of their race, pre-eminently brave and stubborn, wasted their energy and their liberty at haphazard, recklessly, in the service of foreigners. When the great Mongols of the thirteenth century wanted them for themselves, it was too late ; their destiny was fixed " (p. 120).

The third section of this volume is devoted to the Mongols proper and

to their wonderful and sudden assumption of the leading rôle among the nations of the world.

. While most of the details of the story of the founding of the Mongol empire and of its founder, Temudjin or Chingis Khan, as given in this work are familiar to students of the subject, I cannot forbear quoting the following passage, which discloses the veritable reason of the seemingly incomprehensibly rapid extension of Mongol power over Asia and most of Europe in the brief space of a quarter of a century, a reason to which I have not heretofore seen sufficient prominence given by previous writers. "It was to the perfection of their strategic and tactical methods at a period when the art of warfare among the other nations of the world had become quite rudimentary, that they owed their wonderful success. . . . That the Mongols of the thirteenth century, three-fourths of whom were Turks more or less Iranianized or Chinesified, were inferior in respect to intellectual culture to the Chinese and the Irano-Turks, is possible; that they carried on warfare brutally and with extreme rigor, is certain; but that in war or as administrators they have been the inferiors of the peoples whom they always were able to conquer and whom they governed regularly with a steady hand, is not true. In the thirteenth century, in military art, the Mongols were the civilized people, and the barbarians were those whom they vanquished according to rules and forms, through the genius of their generals, the experience of their captains, the discipline of their troops, and in no wise through their numbers. Their campaign of 1219 was as regular, as well planned as our classical campaign of 1805" (p. 279).

In the fourth part of his work, Mr. Cahun reviews the history of Asia under the successors of Chingis and shows us the general loosening of the bonds which held its various parts together, the constant and ever increasing power of Islamism in widening the breach. "To the middle of the fourteenth century, however, the federal bond which held the Gengis-khanites of Russia, Persia, and the Transoxiana to their suzerain the emperor reigning at Peking, was not totally severed. From the Black Sea to the Persian Gulf, the Indian Ocean, and the Sea of Japan, the Chinese Kaan, 'Power of Heaven,' remained truly the Emperor. But he was a Buddhist, and his vassals, mediatized kings, had become Mussulmen. There was no pope; but let a religious force spring up between the Mongol of the East and the Turk of the West, and the bond which holds them together will snap; the Mongol empire will completely dissolve and there will not be a common feature in its scattered remains. This religious force was not created by the great Timur; he found it organized and availed himself of it" (p. 440).

Timur, of whose romantic history the last chapter of this work treats, was the ideal knight-errant, the perfect gentleman, according to the Turkish standard of the fourteenth century,—half adventurer, half artist, trusting to his luck and to the protection of the saints. He is also for us the perfect picture of the Islamized Turk. With this perfect Turkish gentleman the decadence of Asia began; the Turk Timur smothered Turkish genius.

With the death of Timur in 1405 and the final and perfect subjection of the Turk to Islamism and of the Mongol to Buddhism, with which began the fall of these peoples from among the great powers of the world, this interesting study of Mr. Cahun's comes to an end.

While nearly all the sources of information of Mr. Cahun have for many years been familiar to Oriental scholars, it cannot but be admitted that his comprehensive arrangement of the materials at his command, and the general conclusions he has been able to draw from them, will be appreciated as positive and valuable contributions towards a better knowledge of the intricate problems of Asiatic history with which he deals, and as such should be welcomed by all students of history.

W. W. ROCKHILL.

*Joan of Arc.* By FRANCIS C. LOWELL. (Boston, New York, and Chicago: Houghton, Mifflin and Co. 1896. Pp. iv, 382.)

As a piece of critical biography, the *Joan of Arc* is a noble success. From the effort of the author on the one hand to be severely critical, and on the other to avoid obtruding his own theories, the book may be said to lack color somewhat. And yet it is just the presence of these elements which will give the work a charm for the scholar and make it a valuable contribution upon the subject of the mysterious maid of Domremy. Mr. Lowell has, in fact, sifted a vast mass of contemporary legends and other sources, to say nothing of modern authorities, and out of it drawn what we may regard as the real Joan of Arc, — altogether a very sweet and lovable woman, who, with all the devotion of a singularly pure and unselfish nature, gave herself to the noble work of vindicating her king, unworthy though he was, and of freeing her country from the scourge of one of the cruelest wars of all history.

By way of introduction the author presents in outline a sketch of the stirring events of early fifteenth-century French history, barely sufficient to furnish a background for his main subject. Domremy, its relation to the king of France and its position in the feudal scheme, the childhood of Joan, and the influence of her surroundings upon the development of mind and character, occupy another chapter. The subject of *the Voices* ushers the reader at once into the public career of Joan. From her first appearance at Vaucouleurs the author proceeds straight forward through the relief of Orleans, the progress to Rheims and the coronation, the betrayal and capture, the trial, judgment, and execution, to the rehabilitation.

The subject of *the Voices* Mr. Lowell does not attempt to discuss, nor does he try to solve the question of inspiration. For his own peace of mind this is perhaps wise. He simply tells the story of what Joan herself saw and heard during these years, chiefly as gathered from her own testimony at the several trials. Of her sincerity there can be no doubt. An enthusiast may profoundly believe in the cause which he has espoused as a whole, and be sincere enough, and yet find himself in special instances



consciously drifting across the line that divides truth and simulation. But in Joan there was nothing of the charlatan. Although constantly tempted by the ready credulity of her admirers, she never descended to acting a part. Whatever the present rationalistic age may think of her visions and her voices, there can be no question that to her they were grave realities. She saw and heard. Was she insane then? Mr. Lowell does not attempt to answer the question. He contents himself with stating the problem (Appendix B) and leaves the matter to be settled by the pathological specialist. As to the men of the fifteenth century, the possibility of such possession was a matter of daily belief. The supernatural was continually breaking through into the natural and mixing up in most ordinary affairs. There could be but one question,—the character of the possession. Was it of God or of the devil? And men generally ranged themselves on the one side or the other as selfish interest dictated. If there was predisposition, it was more likely to favor the devil. For whatever they might think of God, for body and soul, they feared the devil.

It is in this active belief in the supernatural, whether in the powers of good or evil, that Mr. Lowell finds the explanation of much of the remarkable success of Joan, as well as of her failure and her cruel fate. The counselors of the king, hardened men, who had little faith in goodness of any kind, probably at the first did not put much faith in Joan. But the case of Charles was desperate, and a chance was offered by the appearance of Joan which was not to be neglected (p. 68). With the men who composed the armies of Charles, however, the case was far different. Simple hearts, they believed in Joan and in her commission, as they believed in God. One old captain who served with her before Orleans, afterwards looking back across twenty-five years of almost constant service, declared that in all her deeds he believed there was more of the divine than of the human (p. 138). The effect upon the morale of the army was immediate and profound. The French had been beaten by the English so often that they had come to regard their foes as irresistible. But when Joan began to lead the troops, all was changed. "Two hundred English," wrote a chronicler of the day, "used to chase five hundred Frenchmen; but after her coming, two hundred Frenchmen used to chase four hundred Englishmen" (p. 137).

Joan herself was not a general. Of strategy she knew nothing. Her one idea of war was to seek out the enemy and fly at him furiously wherever he appeared, confident always in the justice of her cause and the support of God. It was her favorite retort to those who were inclined to cavil, or to question the wisdom of her counsels. "the men at arms will fight and God will give the victory." Such headlong impetuosity, such furious energy, would in all probability have led her army into inextricable trouble if not irretrievable ruin, had she been given the full command. But under the control of such sober-headed old veterans as La Hire and Dunois, the army was kept under control, while the soldiers suddenly developed an energy and fighting power such as Frenchmen had not known before in the entire

course of the war. The English, on the other hand, lost their fighting strength as that of the French rose and owing to the same cause, — a belief in the supernatural nature of Joan's power. But to them her furious energy, the wild and unwonted zeal of her comrades in arms, were due to the support of unhallowed influences; and this belief, as it forced itself upon their superstitious minds, filled them with a mysterious dread that paralyzed the stoutest hearts. They were not afraid of Frenchmen, much less of French women, but they were afraid of the devil; and of all things terrible, the most terrible was the devil in feminine guise.

It was this belief in the divine inspiration of the maid that thrilled the disheartened and demoralized French, and enabled the king's captains to raise the siege of Orleans and bear the king in a triumphal march to Rheims, there to receive the crown of his fathers. Other elements there were also which conspired to assist the king and unnerve his foes. As the Duke of Burgundy had seen the French driven foot by foot south of the Loire, he had lost his old zeal in the cause of the English. It was not in accordance with his interest, as he saw it, to allow the English to become too strong in France by the complete overthrow of the Dauphin. The people of the conquered regions, also, who had for years been exposed to the license of the English and Burgundian soldiery, had forgotten what they had suffered at the hands of the Armagnac party, and were ready to welcome the approach of an Armagnac army as a deliverance. Hence the real resistance which Charles met from the cities in his northward march was confined for the most part to the English garrisons, who without support, or at most with only a half-hearted support from the people, easily fell into his hands. The king, however, feeble and worthless, without a mind of his own, allowed his council deliberately to throw away the splendid advantage which the coming of the peasant girl had placed in his hands, and then the end came soon. Joan, only half supported, if not betrayed outright, was suffered to be beaten. The confidence of the soldiers was shaken and their enthusiasm dampened, and when at last she fell into the hands of the enemy, the splendid morale of the army, worth thousands of fighting men, was completely dissipated.

Yet the new spirit which had breathed upon France was not to be lost. The people had come to distinguish the cause of the king as the cause of all true Frenchmen, while the English they regarded as foreigners and their French and Burgundian allies as traitors. A true patriotism was thus born in France, which was not to be allayed until the foreigner had been driven from her shores.

But for Joan there was no escape from the hard logic of her position. She had claimed to be divinely commissioned, but her *Voices* had not protected her from defeat and capture. The faith of the simple folk was shaken, while the great, never more than lukewarm in her support, abandoned her altogether. It was without doubt congenial to the self-seeking and corrupt La Trémoille, who had seen in her success a threat to his own influence with the king, to have her thus effectively removed from his path.

Witch or angel, it was all one to him. The English and their party believed that the treacherous spirits to whom she had sold herself had betrayed her into their hands, that she might meet the punishment which the age regarded as suited to such a crime. The leaders possibly regarded her condemnation as necessary to justify their own claims in opposing the heir of Charles VI. But die she must. If the charge of witchcraft failed, it was possible to catch the ignorant peasant girl in the toils of a long prosecution and condemn her as a heretic. From the moment therefore in which she fell into the enemy's hands, a condemnation upon the heinous charge of dealing with evil spirits and a cruel death were foregone conclusions.

The book, as has been stated, is not a history, but a biography. It is perhaps to be regretted that an author who has proved himself so capable and so judicious in the handling of difficult sources has not allowed himself a wider field. Good books in English upon continental subjects are rare. The epoch of French history, in which Joan of Arc is, after all, only an episode, is worthy of such an author as Mr. Lowell. In the appendix (A), he reviews the reign of Charles VII. in discussing the character of that monarch. This, with the introductory chapter, is all that he has seen fit to attempt in presenting the larger subject. As a piece of historical biography, the *Joan of Arc* is, without extravagance, one of the best books put forth by the American press for some time.

BENJAMIN S. TERRY.

*Lorenzo de' Medici, and Florence in the Fifteenth Century.* By E. ARMSTRONG, M.A., Fellow of Queen's College, Oxford. (New York and London: G. P. Putnam's Sons. 1896. Pp. xiv, 449.)

THE constant improvement in the character of our historical manuals is a source of satisfaction to every student, for it frequently happens nowadays that little books for the many are written by those who are well qualified to furnish big books for the few. Mr. Armstrong's work belongs to the best of its class. It is scholarly and judicious in its arrangement, and is written *con amore* by one familiar with the most approved historical methods. The best secondary sources have been used, controlled, we may infer, by a considerable knowledge of the chief primary authorities. Thus while the author modestly refuses all claim to original research, even the special student will find much to attract him in the compact logical presentation and the thoughtful observations of the writer.

Mr. Armstrong adheres closely to his subject, which is Florence under Lorenzo, not the Renaissance in Italy. We are thus spared all trite general reflections such as too often form the stock in trade of writers on this period. The treatment is philosophical in the best sense of the word. Definite comparisons with familiar modern conditions are substituted for the usual vague formulæ which assume to supply a single explanation for a whole civilization. Resemblances rather than differences are emphasized; but

one which the writer has missed and which will readily occur to the American reader is the analogy between the political "boss" of the fifteenth and of the nineteenth century.

The causes of the supremacy of the Medici form the logical introduction to our book. The intricate constitutional conditions, the multiform historical survivals, — for the creation of new magistracies did not imply the destruction of the old, — all these are described with remarkable clearness, considering the obscurity of the subject. Lorenzo was a party leader, and his power was maintained by methods part of which were peculiar to Florence, but some of which will appear strangely familiar to those who follow the career of the successful contemporaneous "politicians." The element of popular elections was of course practically unknown in Florence, but patronage then as now was the mainstay of the "boss." Taxation, which Cosimo "plied as other tyrants would the dagger," could be used against individual opponents in a way that is no longer possible. Of the financial measures of Lorenzo, Mr. Armstrong gives us an especially interesting account.

The permanence of tenure of the Medici as compared with the similarly unofficial English premier, the writer ascribes to several causes. "The spoils system was in Florence much more complete ; a party once in power had far more means of rewarding adherents. But chiefly the reason was the entire absence of elections in the modern sense. . . . The drawing by lot, the insignificance of the individual magistrate, the rapid rotation of offices, deprived the actual election to the magistrates of all significance. There was no natural and definite moment at which discontent with the administration could make itself vocal." Thus revolution was the only means of ejecting the ruling party.

In his account of the literary and artistic tendencies of the time, Mr. Armstrong is no whit less happy than in describing constitutional and financial conditions. He confines himself to the art and literature as connected with Lorenzo, and in this way enhances the value of his work for those already familiar with the general development of Italian art. "Botticelli was the truest artistic counterpart of the literary tendencies of his day and more especially of those of his chief patron." To him Mr. Armstrong turns for the most characteristic expression of this transitional epoch in art, and his unaffected analysis of the charms of this now so popular painter are full of suggestion and good sense. The choice of less common, but historically important, illustrations forms an admirable feature of the book.

JAMES HARVEY ROBINSON.

*Lectures on the Council of Trent.* Delivered at Oxford, 1892-1893, by JAMES ANTHONY FROUDE, late Regius Professor of Modern History. (New York: Charles Scribner's Sons. 1896. Pp. 294.)

THIS course of lectures is really a critical history of the Reformation, considered as a movement towards the goal of a reformed and reunited

Church, which outcome was prevented by the papal policy which culminated in the Council of Trent. That Council was to have been the theatre of reform and reunion, according to the purpose of Charles V. and of the German princes. It was, in fact, the scene of the triumph of papal hostility to any and every reform.

Mr. Froude's characteristics as a historian are now well known. He seldom wrote without a purpose, without taking a brief for some character or cause, without endeavoring, with however little or great success, to right some wrong and help onward some good. This book is no exception to his general style of work. It is a history, in that it reviews the general course of events. It often indulges in minute description and in dramatic portraiture. Generally, however, upon this well-threshed theme of the Reformation, it presupposes an acquaintance with the main facts, and dismisses them with the lightest touch. After this fashion it reviews in successive chapters the rise and development of Lutheranism, the increasing demand for a general council for the settlement of the religious difficulties, the history of the Council, and its close as the close of the era of negotiation and the opening of the age of religious war. But throughout, the purpose is one, to rescue the Reformation from the misrepresentations of modern times, to answer its detractors, whether Roman Catholic, Anglican, humanistic, or philosophic, and to set forth again its fundamental and immortal service to the creation of that modern era of religious freedom in which toleration, breadth, opportunity for the human spirit, and emancipation from priestcraft are the distinguishing and the priceless characteristics. This purpose is grandly attained; and Mr. Froude, whatever criticisms any may have to pass upon the incidental features of the book, must be confessed by all the lovers of religious liberty to have performed a great service.

Froude's general conception of the Reformation is that it was at bottom the rise of the laity against the oppressions of the clergy. Martin Luther was the central figure on the stage, but what gave him popular following was not the acceptance of his peculiar opinions upon this subject and that, but the general joy to see one brave man stand up against this tyrannical system. Indeed, Froude seems peculiarly blind to what is most characteristic in Luther's career. While he describes his self-discipline in the monastery at Erfurt, and notes the change which came over him before Staupitz brought him out upon the larger stage of Wittenberg, he gives no hint of the great spiritual transformation that went on in his soul, says nothing of the fact or the meaning of the doctrine of justification by faith, and thus drops silently out of sight the very moving cause of the whole drama. This is, however, quite in accord with Froude's whole method. He cares nothing about "theology" himself, deems opinions upon abstract matters, such as are embraced in the symbols either of Augsburg or of Trent, of little or no independent value, and thinks that the whole disastrous outcome of the Council is due to the extreme dogmatism of both Protestants and Catholics. Here is exhibited a decided limitation of

Froude's mind. While dogmas have their place, and abstract opinions should not be allowed to have an influence upon common life disproportionate to their certainty and relative importance, still religion can never be dissociated from doctrine, and thought is of the essence of spiritual life. The lay in their struggle with the Roman court were indifferent to all these things, thinks Froude: and moderate men, with Charles V. at their head, were endeavoring to secure such a change as should leave matters of opinion where they belonged, and should secure high morality and purity in Church and State. Upon such a reform all parties could have been united. The significance of the Council of Trent is that it was the main instrument in frustrating this endeavor.

The picture which Froude thus draws of Charles V. is a distinctly new one. He represents the Emperor as sincerely attached, as he undoubtedly was, to the old Church, but as indifferent to its dogmatic system, and quite critical in his attitude towards the papacy as an institution. He could not only suffer his troops to sack Rome, but he could compel the Pope by various threatnings to yield point after point in reference to the Council till he had well-nigh compelled acquiescence in the demands of the Germans. But Charles seems scarcely so modern a man to the more objective student of history. He is rather the political sovereign, engaged in various enterprises, in which the help of German Protestants is indispensable, who spurs them as long as he needs them, and then turns upon them with the purpose to make at last an end of their schism. That he did not succeed was no fault of his, but the natural result of the power and enthusiasm of the German people as a whole. It is in this connection that Froude presents a new theory of the Elector Maurice, which will have the credit of originality, and which may after all be a genuine product of historical insight. The strange tergiversation of Maurice, who followed the Emperor till he had wrested the electoral hat from his cousin of Wittenberg, and then turned upon the Emperor himself and almost took him prisoner at Innsbruck, has been generally ascribed to the treachery of his nature, which seems to have been the patrimony of the Aulermanian blood line down even so late as 1866. But Froude says, No. Maurice was a clever head. He wanted a moderate settlement, in much the same way as the Emperor. At last he and the Emperor despaired together, and between them the little force of Innsbruck was arranged and played to force the Council to yield at last to the demands of common sense. Charles knew that the fear of Maurice, if thought to be against his master, would operate powerfully upon the minds of the Council, and so he consented to the sham desertion and sham violence of Maurice. Froude's proof of this remarkable theory is simply his view of the two men as level-headed men of affairs, with the one additional proof of possible evidence that Maurice visited Ferdinand at Linz, and conferred with him about something, nobody knows what.

In his history of the Council itself Froude has done the best work of the book. The demand of the German nation, the earnestness of Charles, the unwillingness of the Pope, the shifts and evasions to which Rome

resorted, the paucity of numbers when the Council was at last assembled, the constant influence of the Roman court, the absolute unwillingness of the papal party to see any effort made at reforming the Church, — all these things are sketched with all the wit, keenness, and biting sarcasm for which Froude is deservedly famous. We think, however, that Froude, in consequence of his own indifference to theology, has failed to do justice to one part of the work of the Council, — that of defining the dogmatic system of the Roman Church. He constantly represents that doctrinal discussion was used as a means of avoiding the discussion of reform, or as a means of steering the fathers clear of dangerous demands which some of them might have been inclined to make upon Rome, and thus he fails to bring out, what seems tolerably clear upon a mere reading of the sessions and canons, that there was, as Kahnis of Leipzig used to put it, “an honest endeavor on the part of the fathers at Trent to understand and do justice to the Protestant system.” We may acknowledge all that Froude has to present as to the determination not to yield the Protestants any fair position in the Council as disputants or even give them the opportunity simply to present their views. Yet it seems evident that standard presentations of the Protestant positions were carefully studied. The result proves it. You have in the decrees of Trent the careful formulation of the consistent system of Catholicism, as it had been growing up through the Middle Ages, so well stated that they have been the standard of faith in that Church ever since. The Tridentine bishops were by no means so ignorant and incapable as Froude would make out. It is to be doubted whether the addition of a very large number of Spanish, French, English, and German bishops would have added much to the real equipment of the Council for this specific dogmatic work. For accuracy in summing up the results of a long period of consistent development, the work of the Council stands unsurpassed, and only equalled by the Westminster Confession itself. The failure to accept the modifications suggested by the Protestants lies far deeper than Froude sees. It is in the polar antagonism of two systems, the one of which is founded upon the idea of merit, and the other upon the free grace of God. Froude thinks that all views are of little consequence if they only lead to good lives, and both of these he perceives to be possible, as they are, under a theory of justification by works or by faith. But you meet in this antithesis two conflicting theories of God and the universe, two different types of piety, two divergent modes of practical life. The two could not be reconciled, and between them there is no compromise. Trent saw this and was right. The Council understood itself better than does its historian.

The close of the book deserves a careful notice. It has been its purpose to vindicate the service to humanity which the Reformation rendered. It “is now said,” the author remarks, “to have settled nothing. I wish you to recognize that every one of the ‘hundred grievances’ of Germany, every one of the abuses complained of by the English House of Commons in 1529, has been long ago swept away. . . . Popes no longer depose

princes, dispense with oaths, or absolve subjects from their allegiance. Appeals are not any more carried to Rome from the national tribunals, nor justice sold there to the highest bidder. The clergy have ceased to pass laws which bind the laity and to enforce them with spiritual censures. Felonious priests suffer for their crimes like unconsecrated mortals. Too zealous prelates cannot call poor creatures before them *ex-officio*, cross-question them on their beliefs, fine, imprison, or burn them at the stake. Excommunications are kept in bounds by the law of libel. Itinerant pardon-venders no longer hawk through Europe their unprofitable wares. Cardinals cannot now add see to see that they may have princes' revenues, or private clergy buy benefices as they would buy farms, and buy along with them dispensations to neglect their duties." He does not add, as he should, that a new spirit was infused into the Christianity of northern Europe whereby in the "freedom of the Christian man" of which Luther spoke so much, the works of Christian freedom, the free air of scientific research, the free governments of the present day, and, particularly, the intelligent and progressive spirit of the English Protestant monarchy, and of its daughter, the American Republic, were rendered possible.

We esteem the work a valuable and timely one, and a positive service to the cause of truth, defective in certain lines as we have found it to be.

FRANK HUGH FOSTER.

*The History of Local Rates in England.* Five Lectures by EDWIN CANNAN. [Studies in Economics and Political Science.] (London, New York, and Bombay: Longmans, Green and Co. 1896. Pp. 140.)

THIS book is the first fruit, in the way of publication, of the London School of Economics and Political Science recently established under the directorship of Mr. W. A. S. Hewins. It is an amplification of five lectures delivered before the school, and hence can make, as the author himself expressly states, no pretence to cover, even in outline, the yet unworked field of the history of English local taxation. Its purpose is merely to trace the historical growth of two of the most characteristic features of the existing system; namely, the exemption of personal property and the assessment of the occupier rather than the owner of real estate. Mr. Cannan would probably not make the claim that his investigation of even this limited field was exhaustive. What he has done is to make a careful and scholarly study of the more available sources of information. The facts collected and the ability with which their significance is pointed out are sufficient, however, to yield a real addition to our very limited knowledge of the subject.

As in most fields of English economic and administrative activity, general legislative enactments shed comparatively little light on the details of actual practice. It is a great merit of this book that it goes behind statutory provisions and shows that the present practice is deter-



mined not by the provisions of the poor-law of 1601, to which we are usually referred for an explanation of the existing system of rating, but by custom gradually acquiring through time and statutory and judicial sanction the force of law; the provisions of the law of 1601 having been themselves largely influenced by the then existing custom, and having been of so indefinite a character as to admit great variety in practice. The conclusions reached may be briefly summarized as follows: Local taxes, at first assessed upon the inhabitants of the locality, according to ability to pay or to benefit received from the expenditure of the tax, came gradually to be assessed on real estate in proportion to its annual value; because, practically, in an agricultural community, and even in towns of the mediæval sort, the extent and character of the real estate occupied was the best index, both of ability and benefit; and because, this standard of assessment once adopted, it was natural to assess the land of non-resident occupiers, the tax thus coming to be regarded as assessed on property rather than on persons. It was assessed upon the occupier because it was through his hands that the revenue to be assessed first passed; and the non-occupying owner was exempt because to tax him had the appearance of double taxation of a single source of revenue. As a matter of fact, the question was, in the early period, comparatively unimportant, since the modern relation between tenant and landlord did not exist. The result just described had been, for the most part, reached before the introduction of the poor-rate. The poor-rate, indeed, growing out of voluntary contributions, from which the voluntary element had been gradually eliminated, was intended as, and perhaps for a time, to some extent and in some places, actually was, a return to the principle of assessment according to ability, from whatever source derived. The act of 1601, however, provided, in accordance with the then existing usage, for the assessment of all occupiers, and hence of non-resident occupiers, of lands and other specified forms of real estate; and the practice from the beginning doubtless conformed, for the most part, to the established custom in assessing local rates, the exemption of personal property, notwithstanding its increasing importance, being continued as the result of the force of custom and the difficulties involved in its assessment. Instances of the assessment of some forms of such property were, however, not uncommon in the seventeenth century and continued to exist throughout the eighteenth. At the end of the last century stock in trade was declared ratable and remained so legally until all personal property was exempted by the act of 1840. While there seems good reason to believe from the facts at hand that this is in general a correct outline of the course of development, our knowledge of details, particularly for the earlier centuries, is still very imperfect, and it is not improbable that local rates were, for a longer time than Mr. Cannan seems to think, of the nature of a general property tax. This is the impression given by Professor Seligman in his essay on the general property tax, and Mr. Cannan certainly brings forward no facts to disprove it; but whether his conclusions be accepted or not, the book has a real value from the facts collected in it.

HENRY B. GARDNER.

*Histoire des Princes de Condé pendant les XVI<sup>e</sup> et XVII<sup>e</sup> Siècles.*  
PAR M. LE DUC D'ANMALE. Tome VII. (Paris: Calmann Lévy,  
1896. Pp. 734.)

THE Duc d'Anmale has completed the five large volumes which he devotes to the life of the "Great Condé." The present volume begins with the battle of the Dunes, when the prince was still in the service of Spain, engaged in fighting against his own country: it tells of his pardon and the restoration of his estates at the Peace of the Pyrenees, and then describes the tranquil and somewhat uneventful maturity that followed a youth filled with adventure and glory.

In 1651 the Prince of Condé, having taken up arms against the French government, sought the assistance of the Spanish king, and when he was compelled to fly from France, he assumed command of the Spanish armies in the Low Countries. It is hard to see wherein Philip IV. was helped by his new ally; Condé had become famous by his victories over Spain, but he won no victories for Spain. Doubtless he was hampered by the jealousy of his associates and by the inefficiency of Spanish administration, but Condé's fame as a soldier was won when he was under thirty, and later in life either fortune deserted him or his genius had waned.

However little the Spanish profited by Condé's aid, they insisted with chivalric, one might say with quixotic, devotion that the demands of their ally should be satisfied before they would agree on terms of peace. His requests were exorbitant, when we consider that he was a rebel fighting against his government, and a rebel who had been unsuccessful. Peace could only be made, said the Spanish minister, if Condé were restored not only to all his hereditary rank and wealth, but to all the honors which the king had bestowed upon him; he must be governor of Guienne and grand master of France, and in addition to this, wrote the prince, he must not be required to appear at Louis XIV.'s court unless it suited his pleasure.

Mazarin bore Condé no love; he felt that it was dangerous to grant excessive power to a man who had shown that he was ready to abuse it; and moreover the day was past when the king of France made treaties with a subject as with an independent prince. In 1656 Lionne visited Madrid as a messenger of peace, but his mission was a failure because the Spanish stubbornly insisted that Condé's pretensions must be satisfied, no matter how unreasonable in themselves, no matter at what cost to Spain; this, they said, concerned Spanish honor, and when honor was involved considerations of advantage had no weight.

It was on this ground that negotiations were broken off, but three years later they were again renewed. Condé's stubborn pride was beginning to weaken as the years of exile went on, and the Spanish were now eager for peace. The prince yielded many of his exorbitant demands, and Philip offered to increase the territory ceded to France in order to obtain more favorable terms for his ally. The cession of Avesnes softened Mazarin's

rigor ; Condé acknowledged his misdeeds and was pardoned, his estates were restored, and he was made governor of Burgundy.

All these negotiations the Duc d'Aumale has described with fulness and accuracy. He has at his command the materials, whether published or unpublished, which can throw light on Condé's career, and the story is always told with that grace and clearness of style in which the author excels. If an accurate and agreeable narration of the events of Condé's life were all that was required, no criticism could be passed upon this work. But his career is hardly worth studying in such detail, unless from it some lessons can be drawn, and in this respect, it seems to us, the Duc d'Aumale is lacking. He views his hero with the favor natural, perhaps, in a biographer, in a member of the same family, in one who himself dwells where the great Condé once held his princely court. The vices of Condé's character, his greed for power and place, his impatience of legal authority, his disregard for others, the evil example he set, the harm he did to France, his readiness to plunge the country in disorder that he might gratify a selfish ambition, — these things are little impressed upon the reader. Yet to be allured by the fame of Condé's early exploits and view his career as one deserving the admiration of posterity, seems to us to be misreading the teachings of history.

Condé lived for twenty-six years after his return to France, but he was no longer a great figure in French politics. Though he had been pardoned, some time elapsed before he was regarded by Louis XIV. with entire confidence. So far as this mistrust was based upon his former career, it was without foundation ; the prince came back a tamed conspirator, a repentant rebel ; amid the crowd of courtiers who followed the *grand monarque* as he walked through the gardens of the Tuileries or the park of Versailles, there was not one more entirely submissive to the least intimation of the monarch's wish than the prince who for over ten years had been in open rebellion. Implicit obedience and a chastened spirit at last brought some reward. In 1667 Condé was again given the command of an army, and he served for several years in the Low Countries. Though he acquitted himself with credit, he gained no glory ; the daring, the presence of mind, the quickness of conception that had made him famous, were no longer displayed. Twenty years earlier he had been thought a greater general than Turenne ; now no one disputed the latter's claim to pre-eminence, and when Turenne was killed at the head of his army, Condé admitted that he was unequal to filling the vacant place. In 1675 his career as a soldier closed ; he was only fifty-four years of age, but he was weighed down by infirmities, and he retired to a life of stately repose at Chantilly. There he could find consolations for the pains of disease or the disappointments of ambition. The most famous and the most charming men of France paid their court to the hero of Rocroi, and thither almost every one of European prominence at one time or another made his pilgrimage. Foreign ambassadors regarded a visit to Chantilly as part of their regular duties ; ministers of state there sought relaxation ;

Louis XIV. himself sometimes honored it with his presence and took part in hunts which, either in splendor or in the amount of game, could not be surpassed in France.

The prince was interested in letters, and his taste was generally correct. Molière and Racine, Corneille and Boileau, were favored with his patronage, and they, with almost every one prominent in literature, were frequent visitors at Chantilly. Many of Molière's plays were acted there, and the struggling playwright had the steadfast protection of the prince. Condé's hospitality was freely extended to all who had any claim upon his interest. "Ancient adversaries," says the Duc d'Aumale, "met ancient friends, the Huguenot jostled against the Catholic, the Cartesian conversed with the free-thinker, every one breathed at his ease the free air of this hospitable mansion."

Condé's mind was active, and he was interested in many things; he gathered a fine collection of paintings; under him the great park of Chantilly was enlarged and beautified, and the picturesque château of Chantilly was enlarged and made hideous. Thus the prince spent his declining years, enjoying the splendor of his fortune and the incense of his fame, yet free from vulgar egotism, and extending to all the stately and somewhat condescending courtesy of a great French nobleman. In 1686 he died. He has left a great name, but his insubordination cost his country more than his genius gained for her; his career was controlled by selfishness, and lacking in patriotism, and even as a soldier his reputation pales before the pure fame of Turenne.

JAMES BRECK PERKINS.

*The Union of England and Scotland: a Study of International History.* By JAMES MACKINNON, Ph.D. (London, New York, and Bombay: Longmans, Green and Co. 1896. Pp. xviii, 594.)

THIS book is on a subject that must always be interesting to students of history. There was need of a new account of the Union. The accounts of it accessible to ordinary students are of a rather meagre and perfunctory sort. The great historians, for one reason or another, have slighted the subject. Lingard stops at the Revolution; Hallam considered his work done when he reached the reign of Anne; Macaulay died before he reached the date of the Union; to Stanhope, Burton, and Lecky the parliamentary union with Scotland was but an episode in the general narrative. The book before us is designed to fill this gap by making the Union the central theme of an adequate treatment. The result is, on the whole, satisfactory. The author has gone to the contemporary sources at every point. He has found some materials that have never before been used. He has constructed a narrative that is always clear and eminently readable. He writes as a Scot even to the extent of dropping into an occasional Scotticism, and makes the Scottish side of the case the more prominent throughout; but

this was perhaps inevitable from the nature of the subject. There is no trace of narrow prejudice in the treatment.

The opening chapters are given to a description of the relations between the two kingdoms during the seventeenth century. The author shows how Scotland learned by experience that, in giving England her king, she had parted with her independence. The union of the two crowns in the person of King James was at first supposed to have ended forever the old frictions and enmities between the two kingdoms. Bitter experience showed that it brought, instead, new occasions of heartburning and hostility. The Stuart kings were not the men to reconcile the jarring interests of their two peoples. They deliberately sacrificed the allegiance of their northern subjects in the futile effort to establish a uniform system, in Church and State, throughout the whole island. Dr. Mackinnon tells how the Scotch came to regard themselves as victims of English policy; how they found the action of their government and parliament constantly hampered and coerced for purposes that seemed purely English.

The Revolution of 1688 seemed, for a little while, to have mended matters; the strong hand of William III. was able at first to keep the two kingdoms in harmony. But Dr. Mackinnon's narrative shows that the introduction of parliamentary government brought a new and formidable difficulty in its train. Scotland had all the grounds that England had for insisting on parliamentary control of the king's ministers, and a special ground of her own in addition: such control would bring emancipation from the trammels of English policy. She had, besides, a long list of grievances needing redress. Since the union of the two crowns, great changes had come in the world, particularly in the growth of colonies and the great expansion of trade in all directions. But under the Navigation Act and the general commercial system adopted in England, the people of Scotland found themselves shut out from all share in the advance. Even as regards direct trade with England herself, they were treated as people of a foreign country. As our author well remarks:—

“To all intents and purposes the English Legislature had regarded the Scots as aliens, the regal union notwithstanding. Accident had given both countries the same monarch; ill-will and the restrictive policy of the age kept them as far asunder as if a scion of the House of Orange ruled in England, and a Stuart continued to occupy the throne of Scotland.”

In 1693 the Scottish Parliament entered upon a plan for building up a national commerce and a Scottish colonial system. Some of its acts were distinctly retaliatory towards England. There ensued a state of tension between the two countries which might easily have ripened into war,—in spite of the union of the crowns. The disastrous failure of the Darien colony, attributed with some little justification to English opposition and intrigue, inflamed to fever heat the indignation and wrath of the Scots. They resolved either to obtain a more satisfactory union with England or to escape from the connection altogether. The state of the succession to the crown gave them the needed opportunity. Dr. Mackinnon has done

good work in following the many threads of ministerial policy, party tactics, factional plots, and French intrigue connected with the succession question. He describes the passage of the Act of Security, and the motives of the Scottish leaders. He then takes up the course of negotiations looking towards a closer union, and gives much new light on the process by which at length a real "incorporating union" was brought about. He makes it clear that the Scottish idea of a closer union went no farther at first than a project for separate legislative action on common lines, or at most a federal connection of some sort. The insistence on a complete union was from the English side. Dr. Mackinnon shows how skilfully the English negotiators used the trade advantages of such a union, coupled with an offer of compensation for the shareholders of the Darien enterprise, as against the alternative of continued exclusion, disquiet, and possible war. He enters into the details of the religious, political, and financial questions that had to be settled: the security of the Presbyterian system against Episcopalian inroads; the securities for the peculiar laws and customs of Scotland; the "equivalent" to be allowed to Scotland in consideration of her freedom from debt, and the higher duties on foreign trade which the Union would impose on her; the number of members to be allowed her in each house of the United Parliament, etc. The effect of Marlborough's first victories is shown in the greater readiness of the Scottish negotiators to yield on subordinate points.

The final struggle in the Scottish Parliament, and the great commotion among the people, are well described. Then follow some chapters on the working of the Union, showing that its immediate results disappointed its champions, and led to attempts to "break" it. The real benefits of the Union to Scotland did not appear till after the rebellion of 1745. In a closing chapter on "Nationality and the Union" the author appears to grieve over the decay of Scottish national sentiment, as a result of the Union. But it may well be doubted whether sectional patriotism is a thing to be encouraged. There is now no nation of Scotland, and the real union of the two peoples, English and Scotch, into a single nationality is but happy evidence that their political union was wise and natural. That out of a recent past so full of all malice and uncharitableness, so close and cordial a union has been built up, is no slight token of the political sagacity that reigns on both sides of the Tweed.

*History of Prussia under Frederic the Great, 1756-1757.* By HERBERT TUTTLE, late Professor in Cornell University. With a Biographical Sketch of the Author by Herbert B. Adams. (Boston and New York: Houghton, Mifflin and Co. 1896. Pp. xlvii, 159.)

THE third volume of Professor Tuttle's *History of Prussia*, published in 1888, brought the narrative of Frederic's reign down to the moment of the outbreak of the Seven Years' War. It was the author's intention

to devote the fourth volume to the events of that war, and to complete the reign of Frederic in the fifth. The completion of such a work would have enriched American historical literature in a department where it can at present show few great pieces of work. Professor Tuttle was peculiarly fitted, both by his training and by his abilities, to write on Prussian history. Few Americans have had the taste or the opportunity to make such an exhaustive study of Prussian and German institutions at first hand, and few have possessed Tuttle's keen insight and judicial fairness in estimating them.

The present volume is only a fragment, comprising the three chapters left in completed form by the author at his death in 1894. These chapters deal with the seizure of Saxony and the campaign of 1756, the diplomatic negotiations of the following winter, and the great series of battles in 1757 ending with Leuthen. The volume may be taken as a memorial of the author as well as a continuation of his history. Professor Adams has written for it an appreciative sketch of Professor Tuttle's life, and a bibliography of his writings. Tuttle's training for his work was in some respects unique. Beginning his career as a journalist soon after leaving college, he spent several years at Berlin as correspondent of the *London Daily News* and the *New York Tribune*, at that period when the new empire was passing through its formative era. During this time he was busily engaged in collecting materials for his *History of Prussia*, and, what was equally important, he was studying on the spot the inner workings of Prussian and German politics. Some of these latter studies bore fruit in a little volume on *German Political Leaders*, published in 1876. When it is considered that in no other country does the political life of the present stand in so close a relation to that of the past, the value of this preparation becomes readily apparent.

Tuttle's idea in his history was to present "the life of Prussia as a state, the development of polity, the growth of institutions, the progress of society." It covers a field, therefore, entirely distinct from that of Carlyle's *Frederick*, and is based largely on a great mass of new materials which have appeared since Carlyle's time. In the present volume, however, there is less of institutional study than in the earlier ones, since it is concerned with a period filled wholly with the events of war and diplomacy. The first chapter, on the "Seizure of Saxony," is a good sample of Tuttle's industry and fairness. The occupation of Saxony without a declaration of war was in violation of every principle of international law even as construed in that age. But, in the first place, "this change of authority was not an unmixed evil for the Saxon people. Great as were the hardships of military occupation, and irksome as was the rule of a foreign invader, the expulsion of Brühl and the overthrow of his system were compensating benefits to which the natives could not have been insensible" (p. 5). Again, the air of injured innocence assumed by the Saxon court at this time could certainly deceive nobody, since August and Brühl had known for the past two years that Frederic was secretly receiving

accurate information from the Saxon Foreign Office of their share in the coalition then forming. August's second letter of protest against the occupation could therefore hardly have been meant as a serious document, since his engagements with the imperial court were such as to render the concession of the right of passage to Frederic's armies an act of treachery. "If it had expressed real sentiments, and if international law had been understood a century and a half ago as it is understood to-day, the court of Vienna would have been the offended party, and its challenge would have converted the elector into an ally of Prussia" (p. 10). The final justification for Frederic's policy, if justification be found at all, must rest not on the basis of abstract right, but on that of a right born of necessity, and the seizure of Saxony must be placed along with the general plan of beginning the war at this time as a purely defensive movement. Knowing all that he did of what was passing between Dresden and Vienna, Frederic can easily be shown to have had considerable justification for his plea that he was beginning a defensive war.

It was an inevitable consequence of this arbitrary seizure of one state of the Empire by another that the house of Austria should use this apparent violation of the imperial constitution as a pretext to draw the other states of the Empire into the struggle for its own advantage. On the vexed question of the legality of this proceeding, Professor Tuttle preserves his usual balance. He has used the whole subject to illustrate the hopeless decrepitude and confusion into which the imperial administration had fallen. Of the preliminary edict issued by the Emperor against Frederic, he says that "stripped of all its verbiage, the paper sounds like the hue and cry proclaimed by a sheriff against a notorious felon. This was absurd, of course, but it was not novel. The usage of the Empire still tolerated, or rather sacredly guarded, the fiction that its authority over the princes and other members was that of the officers of law over individuals, so that its violent tones neither deterred nor surprised" (p. 55). In the war of decrees and counter-decrees that followed, the one point that stands out prominently is the question whether Frederic's position was that of a rebellious subject or a hostile sovereign; whether his offence should be treated as constitutional or international. In either case the action of Austria was inconsistent: for she sought and secured the aid of the imperial body, on the ground that the offence was a *delictum* one while negotiating for the aid of France in an international war. While negotiating to pronounce a final judgment on the constitutional question, however, Tuttle believes that Frederic was technically wrong, but that "in a larger sense the proceedings against him were wholly devoid of any judicial character. The Austrian simply used the imperial machinery in support of their own national and dynastic interests. The emperor, the aulic council, the fiscal committee, and even . . . the diet itself were not so many tribunals, which on account of the justice of her cause Maria Theresa was able to gain, but mere agencies who lent their official characters and powers to her support" (p. 57).



That remarkable series of battles which distinguished the year 1757 was treated minutely, and in the main accurately, by Carlyle. Indeed, this may be said to have been the most truly historical portion of his work. Tuttle has not deemed it necessary to his purpose to enter at great length upon the subject, but has given in clear and compact form the essential facts about the campaign. His criticisms of Frederic's military operations, however, show that he has mastered the great body of literature that has grown up about the subject. Such a labor must have been enormous, and he is reported to have declared in his later years that "the wars of Frederic would kill him," — a prophecy which, unfortunately, proved too true. The present volume only increases the regret that its gifted author did not live to write the story of Frederic's later work as an administrator, a task for which he was especially fitted and which sadly needs the work of such a hand.

ULYSSES G. WEATHERLY.

*L'Idée de l'État.* Essai critique sur l'Histoire des Théories sociales et politiques en France depuis la Révolution. Par HENRY MICHEL. (Paris: Hachette et Cie. Deuxième édition. 1896. Pp. 659.)

WITHIN the last twenty years there has arisen in France a reaction against collectivism and toward individualism. To this eddy in the current of thought such books as the volume before us and Leroy-Beaulieu's *L'État et ses Fonctions* belong. It could scarcely be otherwise than that the constantly enlarging functions of the democratic state should awaken solicitude. Michel does not indeed wish to narrow the functions of the state. His object rather is to vindicate, for the individual, rights upon which the state may not encroach and claims which it may not disregard. Modern individualists have discarded the social contract as an historical fact, but they still accept it as a rational principle governing the relation between individuals and the state.

It is from this point of view that Michel examines the movement of ideas from the middle of the eighteenth century to our own day. He passes in review the writings of political philosophers, statesmen, political economists, sociologists, — in short, all who have dealt with the state, — and in each case he asks how the particular school or writer stands toward this question. As a history of the political thought of the last hundred years, the book is admirable. No one can read it without being struck with the ample learning, the discriminating judgment, the subtlety of analysis, and the lucidity of expression displayed on every page. An introduction of a hundred pages deals with the period before the French Revolution. After characterizing briefly Voltaire, the Encyclopædists, and the physiocrats, the author takes up the individualistic movement of the century as embodied in its chief representatives, notably Rousseau. This outburst of individualism is attributed to the influence of the Cartesian philosophy and of

Christianity. But whatever may have been their origin, is not the general acceptance of individualistic ideas due to the political and economic situation? The individualistic philosophy of the eighteenth century is at bottom a protest against the absolute monarchy and the privileged orders. Discontent seizes the weapons nearest at hand. The more trenchant they are, the better they serve the purpose. Calvin's doctrine of predestination was an efficient weapon against a church that made salvation depend on sacraments.

The first two of the five books that form the body of the work deal with the reaction against individualism. In the first book an account is given of the political reaction as embodied in the writings of Saint-Martin, De Maistre, De Bonald, Ballanche, Lamennais, Haller, Bentham, Burke, Savigny, and Hegel. In the second book, devoted to the economic and social reaction, the author traces in the writings of the socialists, Saint-Simon at their head, the development of an enlarged conception of the functions of the state. Saint-Simon looks forward to the time when government, hitherto feudal, will pass into the hands of the industrial classes. Then its principal object will be "to ameliorate the lot of individuals." In another pregnant sentence Saint-Simon declares that political forms are less important than the law of property. This statement at once predicts a social revolution and indicates its character. Saint-Simon does not go so far as to deny the right of property, but he holds that the form of the right may change with the changing condition of society.

The third book treats of the individualistic movement in the nineteenth century, and in this connection the effect of the reaction even upon liberal opinion is clearly brought out. Among the political thinkers Royer-Collard, Benjamin Constant, and Lamartine receive special attention as representing respectively the political ideas of the Restoration, of the July Monarchy, and of the February Revolution. Characteristic of Michel's point of view is the remark that the doctrinaires regarded the franchise not as a right but as a function. Many of his readers will object to the implied assumption that liberal ideas and the doctrine of natural rights must be accepted or rejected together. A similar question in regard to the standard which the author applies suggests itself in connection with the account given in the same book of the views of the orthodox economists, who in their fear of socialism narrow the functions of the state. The author regrets their timidity, and sees in the rejection by recent writers of the doctrine of *laissez-faire* a return to the doctrines of the eighteenth century.

In the fourth book the author makes a study of writers who, like Comte, Spencer, and the scientific socialists, apply the method of science to the study of political phenomena. A trait common to these different systems is the disappearance of the opposition between the individual and the state. But such a reconciliation our author thinks can be effected only at the cost of the individual. He brings out clearly the fact that here there are two great systems face to face, the one teaching the reign of law in history as well as in science and the solidarity of successive generations, the other

attributing all progress to individual initiative considered as standing outside of and acting upon the course of events. The antithesis between these two systems is sharply brought out in the doctrines of M. Renouvier, which the author examines in the course of his fifth book, in which present tendencies are considered. According to this writer, the idea of nationality, which has played such a large rôle in the history of the present century, is misleading. The state is made up of groups separated by race, language, and religion, whose union consequently is not natural but voluntary. In like manner the impersonation of society as though it were a real being with rights and duties is without warrant; for rights and duties belong, and indeed can belong, only to individuals. In like manner the idea of progress has been misunderstood. There is no law of progress which governs society in its entirety, but only facts of progress. Progress then is due to the initiative of individuals or of voluntary associations, which break away from the dominion of custom and whose acts are not mechanical but the result of reflection.

In a closing chapter, in which the author sums up his work and brings forward his own views, there occurs a sentence which defines his position. Referring to the charge that the doctrine of natural rights is a menace to society, he remarks that the recognition of rational or natural rights can be dangerous only where against all justice their recognition is refused to the citizens. This statement at once raises the question of the origin of law. It has been the great service of the historical school to point out the connection between the laws of a community and its social and economic condition. But while law is the legal embodiment of the life of a community, it is also the expression of its will, no matter in what form that will may be formulated. But law does not, even under the most favorable circumstances, change as readily as do social and economic conditions, and hence discontent and the demand for change. But it is evident that the changes that are demanded must have the same relation to new conditions as do the existing laws to conditions that are becoming obsolete. Hence the ideals of reformers must have the same relativity as the conditions out of which they spring.

Some writers have carried the organic theory of the state so far as to overlook the fact that society is made up of individuals, and exists for their benefit. Against such views the doctrines of the individualists are a natural reaction. But reaction here, as elsewhere, goes to the other extreme. Individuals exist only in relation, and hence the social bond is as much a part of the natural order as is individual existence itself. To attempt to construct the state out of individuals, on the basis of contract, is to deny that the general has as much validity and necessity as the particular. It is to attempt to do artificially what nature has already done. Men make the state, but they can no more do otherwise than they can belie other natural instincts. Moreover, the form, which in any country or age they give to it, must be the result of national character. To divorce conduct from motive is to degrade history to annals.

Rights, to have any value, must be concrete, not mere vague abstractions. The right to live, upon which the author insists, is valueless unless supplemented by a poor-law. Even the most convinced individualist would scarcely claim that the conditions and rate of relief, varying as they do in different systems, come under the category of natural rights. If natural rights are so vague that they must receive their contents from positive law, they clearly have little value as a means of defending the individual against the omnipotence of the state. Fortunately, more efficient protection is found in the national conscience, which prevents the misuse of national power.

To dissent from the opinion of an author is by no means to disparage his book. Had M. Michel not been himself an individualist, his history of the individualistic movement since the eighteenth century would have been less appreciative and sympathetic. As it is, he has given us a most admirable account of the development of opinion, bringing out the salient points of conflicting views with such lucidity as to compel the reader to take a position. If that position is adverse to his cause, it is not the author's fault.

RICHARD HUDSON.

*History of the Post-Office Packet Service, between the years 1793-1815.* Compiled from records, chiefly official. By ARTHUR H. NORWAY. (London and New York: Macmillan and Co. 1895. Pp. ix, 312.)

CONTRIBUTIONS to the history of traffic are neither numerous nor always thorough in workmanship. Postal histories seem entitled to special attention, considering that they deal with the quintessence of traffic, and derive their information, in the main, from official records. Even in our day postal affairs and passenger traffic are not wholly separated, the fast trains and the principal ocean steamers being generally engaged in the mail service, without the profits of which many of them would not be maintained. Postal histories, then, have general value or interest, and it is pleasant to add that after the good beginning made by Joyce we have valuable contributions to English postal history from Hyde, Baines, and now Norway. Joyce undertook to give the postal history of England from the earliest time to the era of Rowland Hill; Hyde told the story of the seventeenth century; Baines offered modern reminiscences; and Norway gives details on the English mail-packet service from 1793 to 1815. In England a packet means a mail-boat, in the United States a passenger-boat.

The subject chosen by Norway is interesting and difficult. The period was one of war and extraordinary confusion, England being engaged in her struggle for maritime supremacy and a certain preponderance in the affairs of Europe. The struggle was highly successful, and Norway tells of the part played by the packets. Down to 1815 these packets were armed, in theory for defence, in practice for attack when occasion offered. Inci-

dentially they engaged in smuggling ; but their main purpose was to carry information, official and commercial, with security and despatch, and to help in enlarging British influence, with all it implied. The details are hard to get at. The story of inland mails and mail-routes is not easily traced ; sea-mails offer greater difficulties in times of peace, and necessarily lose the character of regularity in times of war, when the enemy seeks first of all to capture the mail-boats with their freight of despatches, correspondence, passengers, and treasure, the latter being uniformly carried in mail-boats. It is safe to say that Norway has done his work well. Very few of his facts will be challenged. His style is simple and vigorous ; his pages breathe the salt air, and the many adventures he details should make his book attractive to readers not interested in mails and ocean routes. His illustrations indicate the revolution brought about by steam, and the Russell wagon shows how treasure and second-class passengers were carried early in this century between London and the principal packets. The change is profound, leading the author to say that "the packet service is dead" (p. 2). He describes a blind old man as "a not unfitting symbol of the decay which has fallen on the service" (p. 305).

If the author means that the great ocean mails are no longer carried in brigs and sloops, depending on the winds of heaven, he is right, and might have commented on the slow voyages made by the packets that should have been built for speed. If he means that we owe no debt to the age he discusses so well, there is room for dissent. The very routes of the ocean greyhounds were evolved in the age covered by Norway, and the principles under which the mail-contracts are let to these swift steamships are not essentially different from those of the contracts of a century ago. Take an obvious illustration. Norway mentions the origin of the service to Malta in 1806 (p. 178). Malta is one of the way-stations on the mail-route from London to Calcutta. The service to Corunna began in 1688, to Lisbon in 1705, to Gibraltar in 1727, to Malta soon after that point was taken by England. In those days the mail to India was carried round the Cape of Good Hope by the ships of the East India Company. The route to Malta fairly confronted England with the problem of a direct service to India, which was successfully met by Waghorn, and continues the most interesting mail-route under British control. In the period covered by Norway the English packet service was extended to Madeira, Brazil, and Guiana. These lines are mentioned as an incident, but were part of a great policy that contributed in no small degree to the British control of South American commerce. Indeed, it was in the struggles detailed by Norway that far-sighted men perceived the important principle that commerce is apt to follow the mails, and that a violation of this principle is fraught with mischief.

Norway's book is altogether too important not to be considered a valuable contribution to postal history. In its way it is final. But there is room for larger views. After all, the period from 1793 to 1815 was one of transition, and a full history of English mail-packets will tell us what

the age contributed to the enduring possessions of postal science. It will appear, perhaps, that Norway has not described the service "in its prime" (p. 303), but rather in its victorious transition from youth and youthful deeds to the maturity of manhood. The packet service of England had its prime in the days of William III. and Queen Anne. Its growth under the early Georges was not equal to the requirements of the empire. The struggle against Napoleon and for supremacy brought out the full resources of England, and its postal needs on land and sea were met as they arose. In sea-mails and everything implied it was the age described by Norway that gave England her supremacy, which foreign nations have envied but not effectually challenged.

C. W. ERNST.

*Democracy and Liberty.* By WILLIAM EDWARD HARTPOLE LECKY.  
(New York, London, and Bombay: Longmans, Green and Co.  
1896. Two vols., pp. xxi, 568; xix, 602.)

It is impossible in a review of ordinary length to give a complete idea, much less a thorough criticism, of a book that touches on so many aspects of politics and treats of so many problems in public life, as this last work by Mr. Lecky. It is necessary, therefore, to confine oneself to some of the more salient points which it presents. The first volume begins with a discussion of modern political institutions, and its dominant note is the decline of parliamentary government, attributed by the author to the wide extension of the suffrage, and to an entire abandonment of the connection between taxation and representation which was formerly the cardinal principle of the English government. Mr. Lecky is struck by the inefficiency of representative bodies in all countries, and he draws a picture of the political corruption in the United States, which, if somewhat highly colored, contains unfortunately far too much truth. Like many conservative Englishmen, however, he feels—and all the more keenly for his distrust of representative bodies—the great importance of the restraint on legislation furnished by the power of the American courts to hold statutes unconstitutional. It is certainly a striking fact that the Americans, among whom democracy on an extensive scale has been established longer than among any other people, should have been the first to learn to put their representatives under guardianship. The constitutions of many of the states are getting more and more elaborate, are limiting to a greater and greater extent the competence of the legislatures; and it is no less noticeable that within the last ten years there has been a decided increase in the readiness of the courts to hold statutes invalid on constitutional grounds. Curiously enough, this is quite as marked in the states where the judiciary is elective as it is in those where it is appointed. Nor does it seem to arouse any general disapprobation. Étienne Lamy has remarked that the great art in politics consists not in hearing those who speak, but in hearing those who are silent; and it is probable that if in America we could ascer-

tain the real sentiments of the people we should find that the activity of the courts in disregarding the acts of the legislature was highly popular.

Although Mr. Lecky is evidently of opinion that English representative institutions still work on a higher plane than those in other countries, he thinks that there is a marked decline in English parliamentary life ; that there is a growing tendency to sacrifice important national interests to the ambition of the man, or the party, in order to win the votes of the various sections of the electorate. He points out the danger that legislation in the future will be the result of coalitions among a number of minorities each with a pet project that would stand no chance of being carried on its own merits. And in this connection he expresses the belief which is commonly held to-day, but which we do not share, that the great parties in England are destined to break in pieces, and be replaced by a number of small groups, such as are found in almost every legislative body on the continent. He does not attribute this to any general deterioration of the English people ; for he holds that the character of the nation is by no means always shown by its public life, and that in England national character and the capacity for producing great men has not declined.

The main subject of Mr. Lecky's book is the connection between democracy and liberty, and on this he dwells at great length. He begins by referring to the fact, so often overlooked, that while in some ways the respect for personal liberty is much greater among Anglo-Saxons than in continental nations, in other ways it is much less.

"On the other hand," he says, "numerous restraints, prohibitions and punishments exist in England, and are strongly supported by English opinion, which would in other zones of thought be bitterly resented. It would seem, in many countries, a monstrous tyranny that poor parents should be compelled to send their children to school, and should be fined by a magistrate if they kept them at home in times when they most needed their services. The English Sunday wears to many Continental minds at least as repulsive an aspect as the Star Chamber would wear to a modern Englishman. That a man who wished to work on that day should not be allowed to do so ; that a struggling shopkeeper should be forbidden, if he desired it, to open his shop ; that a farmer should be prevented from reaping his own harvest when every fine day is of vital consequence to his interests ; that poor men should be excluded by law on their one holiday from their place of meeting and refreshment ; that nearly all forms of amusement, and even most of the public picture galleries, museums, and libraries should be closed on the day on which they could give the widest pleasure, would seem to many quite as serious an infringement of liberty as those acts against which Magna Charta and the Bill of Rights were directed."

The writer of this review remembers how a friend was told in Germany that it was absurd to boast of personal freedom in a country where a man was not allowed to buy a glass of beer on Sunday. The fact is that the Continental nations are less inclined than Anglo-Saxons to interfere on moral grounds with conduct which concerns the participants alone and does not affect their neighbors, while they are far more inclined to restrain

any acts that may influence the opinions or conduct of others. It is common, for example, to find on the continent that a man may drink as much as he pleases, but that without the permission of the government he cannot found a society for encouraging temperance ; and that he may spend his Sundays as he likes, but may not start a religious body for the purpose of inculcating any particular observation of the day. In short, to put the matter somewhat broadly and inaccurately, it may be said that there is more private personal freedom in France than in England, but less social, corporate, or organic liberty.

Mr. Lecky takes up in turn the various kinds of liberty and their development of late years. From this point of view he discusses the subjects of religion, of education, of the observance of Sunday, of the restraint of gambling and drunkenness, and of marriage and divorce. He treats the questions that arise from the philosophic and the historical standpoint, and shows how far the tendency in each of these matters has been towards greater freedom, and how far towards greater restraint.

Perhaps the most interesting part of the book is that which is devoted to socialism and labor questions. The author begins with the fact so much emphasized of late, that socialistic theories are a "revival of beliefs which had been supposed to have been long since finally exploded — the aspirations to customs belonging to early and rudimentary stages of society." "This tendency," he remarks, "in the midst of the many and violent agitations of modern life, to revert to archaic types of thought and custom, will hereafter be considered one of the most remarkable characteristics of the nineteenth century. It may be traced in more than one department of European literature ; in Tractarian theology, which seeks its ideals in the Church as it existed before the Reformation ; in pre-Raphaelite art, which regards Raphael and Michael Angelo as a decadence, and seeks its models among their predecessors. These two last movements, at least, have in a great degree spent their force ; but we are living in the centre of a reaction towards Tudor regulation of industry and an almost Oriental exaggeration of the powers of the State, though there are already, I think, some signs of the inevitable revolt which is to come." Democracy is certainly reversing most strangely the principles of its earlier career, and the socialists are advocating in its name doctrines which its founders regarded with the utmost aversion. Any one, indeed, who reads now for the first time Buckle's *History of Civilization* is puzzled and perplexed to understand how any one could ever have believed in a necessary connection between democracy and individual liberty.

Mr. Lecky traces the history of socialistic theories and their relation to democracy, noting how the French Revolution began with a condemnation of all restraints on the liberty of the individual, especially in such matters as restrictions upon the freedom of labor. From this time he follows the growth of modern socialism from Godwin and Saint-Simon, through the movements of 1848, down to Marx, Lassalle, and the writers of the present day who are firmly convinced that they are carrying out



the principles of 1789. He then proceeds to discuss the attempts to put socialistic theories into operation in the form of labor and factory laws. Although he considers that the attempt to organize a "vast, fluctuating, highly locomotive population . . . on the plan and framework of a socialistic state is the idlest of dreams," he recognizes the incalculable danger of experiments in this direction; and, like the classic writers, he feels that "the best security of the industrial fabric is to be found in the wide division and diffusion of property, which softens the lines of class demarcation, and gives the great masses of the people a close and evident interest in the security of property, the maintenance of contracts, the credit and well-being of the State." In spite of the increased sense of the inequality of fortunes, he believes that wealth is really becoming more and more evenly distributed. "If it is true," he says, "that, with the agglomeration of industries, great capital is more and more needed for successful industry, it is also true that a great capital is ceasing more and more to imply a great capitalist. It often consists mainly of the combination of a large number of moderate, or even very small, shareholders, and the chief industries of the world are thus coming rapidly to rest on a broad proprietary basis."

In the course of his discussion of socialism, Mr. Lecky brings into strong relief the relation between communistic principles and the institution of marriage. He points out that so long as the family exists, and parents bring up their own children, it will be impossible to overthrow the universal desire of providing for them, which can only be done by means of individual property; whereas, if all children were brought up by the State, it would be much less difficult to introduce the ownership of property in common. It is clear, therefore, that the continental socialistic writers, who decry marriage altogether, are far more logical than the English and American socialistic writers, who maintain their respect for it.

After reading the book, one cannot help feeling that Mr. Lecky's partisanship is a trifle too evident when he deals with questions of current English politics. This is unfortunate, as it mars to some extent the scientific value of his work. It must also be said that the book suffers a little from the lack of a systematic method of treatment. The subjects dealt with are not classified and arranged so as to give the reader a perfectly clear idea of their relation to one another or to democracy. Some of the phenomena, for example, which the author observes at the present day can hardly be attributed with certainty to democratic institutions. Political corruption, for example, was more rife in the England of Walpole and Newcastle than at the present day. Nor is the exceeding size of the sums that are squandered necessarily the result of an extended franchise. It is rather the result of increased productiveness and extravagance which may, perhaps, be connected with democracy, but which are certainly not a necessary result of the political institutions of the present day. The effects of democracy are indeed so mixed with the results

flowing from other causes that it is impossible for us, standing in the raging whirlpool of the present, to see clearly the various streams that are flowing about us. Although democracy is undoubtedly the cause of a good many evils, it is rash to attribute to that one source all the evils from which we suffer. It is, perhaps, safer to suspend judgment and say, with Edmond Scherer, "*La démocratie est une étape dans cette marche fatale vers un but ignoré, et dès lors la démocratie ne mérite tout à fait ni les craintes qu'elle éveille, ni l'ardeur qu'elle inspire.*"

A. L. LOWELL.

*The Journal of Captain William Pote, jr.*, during his Captivity in the French and Indian War, from May, 1745, to August, 1747. (New York : Dodd, Mead and Co. 1896. Pp. xxxvii, 223.)

THE Pote journal is a manuscript volume of 234 closely written pages,  $6\frac{3}{4} \times 4\frac{1}{4}$  inches in size. The paper is of strong texture, and the quality of the ink is so good that one experiences no difficulty in reading every line of the manuscript. It was kept by Captain William Pote, jr., of that part of Falmouth, Me., now known as Woodford's, during his enforced residence at Quebec, as a prisoner of war. His fellow-prisoners were the Rev. John Norton and Nehemiah How, whose slender tracts of forty and twenty-two pages each have, up to this time, furnished the only record we have had of this captivity. Pote's narrative is very complete, and supplies the missing links in the chain of episodes and events. He was careful to note every incident which occurred, and nothing seems to have escaped his observant eye. When released, he took the precaution to hand the journal to one of the female prisoners, who concealed it about her person, and it thus escaped confiscation. On one of the fly-leaves is the signature of the chief engineer of Nova Scotia, John Henry Bastide, to whom the author reported on his arrival at Louisburg, and at the end is the autograph of Pote.

The "Account of the Journal" is written by Bishop John Fletcher Hurst, who acquired the manuscript while in Geneva, Switzerland, in August, 1890. He examined his "find" with curiosity and delight, though at first he was not quite sure of its value. On his return to America he submitted the treasure to Messrs. George H. Moore, Wilberforce Eames, and Charles L. Woodward, of New York, skilled students of colonial Americana, and their opinion influenced his determination to publish it. As a result, we have a valuable, interesting, and sumptuous book. The edition comprises 350 copies on Holland hand-made paper, and twenty-five extra copies on Japan paper, octavo. There is a frontispiece on parchment paper, showing Bellin's "Plan of Annapolis Royal," taken from Charlevoix's *Nouvelle France*. There is a sketch-map giving the route of Captain Pote's toilsome journey to Quebec. Dr. Hurst's "account" is supplemented by an exceedingly useful historical introduction, from the pen of that eminent genealogist and scholar, Mr. Victor H. Paltsits, of the

Lenox Library, who briefly recounts the story of the Louisburg expedition, and supplies the annotations, all of the appendix except "The Pote Family," and the index. The volume is rich in portraits, plans, and maps. Among these are Smybert's Sir William Pepperell, Governor William Shirley, the city and fortifications of Louisburg, after Gridley, view of Quebec, from Popple's map, fac-simile pages of the original Pote journal, Annapolis Royal, and Bastide's pay-bill to Pote. Accompanying this volume, and bound up in the same style, is the large folded map by Charles Morris, of the Northern English colonies and French neighboring settlements, 1749, taken partly from actual surveys, and partly from the most approved draughts and other accounts.

In the appendix will be found accounts of the Pote family, John Henry Bastide, the superior officer of Pote, to whom the journal was given, Colonel John Gorman, Captain David Donahew, and John Paul Mascarene, Lieutenant-Governor of Nova Scotia. Added to the journal is a list of prisoners' names, who died while the author was at Quebec.

Captain William Pote, jr., was the master of the schooner *Montague*, which was employed for a time in carrying artificers and supplies for the repair and defence of the English fort at Annapolis. He was captured by the French and Indians, with his vessel, on May 17, 1745, in Annapolis Basin, between Goat Island and Scotch Fort on the shore, about five miles from Annapolis Royal. His capture was regarded as a serious loss by the English; for he was a skilful navigator, and well versed in the art of making surveys, several of which are still in existence. He was taken to Quebec by a circuitous route, and endured great hardships along the way. After pillaging the *Montague*, the captors pinioned Pote and his ill-fated companions, and conveyed them ashore into the presence of the general, who sent the party to the French stronghold as prisoners. Their adventures and privations are faithfully set down in the pages of the *Journal*. They remained in prison two years and three months. Though repeated applications were made in their behalf, it was not until July 30, 1747, that they were released, and, under a flag of truce, conveyed by the *Comet Bumb* to Cape Breton. He thus describes his departure, the spelling, punctuation, and capital letters of the original text being preserved:—

Thursday ye 30th July 1747 at about 2 Pm we Come to Sail and Took our Departure from Quebec which I have been Longing and wishing for above two Years after we had Sailed about a mile and a half ye Capt Informd us it was ye Generals ordres we must be put down below ye Deck, and orderd us all down. ye other two masters of Vessells Viz James Sutherland and Willm. Lambert and my Self was ordered down in ye Cabbin after which ye Compases was ordered by ye Capt to be all Lockd up. and we Kept Below for Some time till they had passed Several Eminent Dangers Viz Shoals Rocks and Sands &c ye Capt Came down in ye Cabbin and Drawd his Cutlash and Leaving ye Scabord Behind him Ran up upon ye Deck with all possible Expedition Swearing by God and all angels and Saints yt if any of his people ye french Sailors was In any manner Delitary and did not Carefully observe his orders to a moment he would Separate their heads from their Bodys with his Cutlash. and Spoke from time to time with an audible Voice Starboard port and thus &c. and Swore by all yt was Good yt he

would neither Some of them in a Verrey Short time. we hearing Such a Confus'd Noise upon Deck and Suspected! this was on purpose to Deceive us as we had been so long acquainted with their Subtily.

They arrived at Louisburg on the 14th of August. The *Journal* is carefully edited, and as a contribution to the history of the Five Years' War, it furnishes a chapter of rare value and interest, and marks an event of no common literary importance.

GEORGE STEWART.

*Acadia: Missing Links of a Lost Chapter in American History.*

By an Acadian (EDOUARD RICHARD), ex-member of the House of Commons of Canada. (New York: Home Book Company, 45 Vesey Street. Two vols., pp. 392, 384.)

WHEN Parkman first treated the Acadian question twelve years ago, his mind was in a state of reaction against the sentimental view of the deportation which Longfellow had embodied in *Evangeline*. The Carlylian admiration of what was strong, even though also cruel and relentless, was much in vogue, and Parkman's narrative of the Acadian tragedy is quite in Carlyle's spirit. To him the Acadians appeared to have met a fate, stern but, on the whole, deserved. Nearly ten years later in *A Half Century of Conflict* he quietly retracted something; but both narratives are as gall and wormwood to those who understand the Acadian side of the question.

It was not long before answers to *Montcalm and Wolfe* began to appear. The Abbé Casgrain published in 1887 his *Pèlerinage au Pays d'Évangeline* — a strong book marred by an absurd title — and M. Rameau de Saint-Père, a French gentleman of means who has devoted forty years to the study of the history of the Acadians, re-published in 1889 his *Colonie Féodale en Amérique*, a work of less merit than Casgrain's, but showing great industry. These two books embody the French and Acadian view of the deportation. Neither of them has been translated, and there was distinctly room for a work in English which should be an answer to Parkman. This Mr. Richard now offers.

In collecting materials to answer Parkman, the Abbé Casgrain found much that was new. The principal source of information on the Acadian question had been hitherto the volume of *Nova Scotia Archives*, published by the government of that province in 1869, under the editorial care of Dr. Thomas B. Akins. Casgrain searched with great industry at London and Paris. He unearthed also important documents hitherto buried in the archives of the Seminary at Quebec, which was closely associated with the Acadian missionaries, and, to complete his preparation, he visited the settlements of the dispersed Acadians which continue to this day not only in Canada, but also in France and the United States. His zeal was rewarded by his being able to show that the Acadians were the innocent victims of both English and French cruelty, and that their sufferings were enormously greater than had hitherto been supposed. This view of the

question was accompanied by the charge that Parkman had wilfully closed his eyes to evidence lying before him, and that Dr. Akins, the compiler of the volume of *Archives*, had designedly omitted documents favorable to the Acadians. The defence of Dr. Akins, a gentleman highly respected, was that he had published what he had found at Halifax, and that he had never been in Europe to make researches. His agents, however, had reported in regard to the archives there, and it is hard to resist the conclusion that he was either imposed upon by others or misled by his own prejudices. Parkman made partial amends in his later volume, and when the smoke of the controversy has blown away it will be reasonably clear that Casgrain's view is substantially correct.

One says Casgrain's view, because Mr. Richard, though his work is more copious, has brought to light no new records, and adds little to the discussion. He is an Acadian by descent, and gives some pathetic instances of the sufferings which his own ancestors endured (II. 120, 212, 255 *n.*). In most cases the members of families were separated from each other and reunion was often impossible. These painful memories still linger in Acadian homes, and from childhood Mr. Richard has brooded over the harrowing tale. This explains and excuses much that he writes. He claims to have thought more intensely on the question than any one else (I. 186), but this, instead of an advantage, may be a disqualification for writing calm history. He is unfair to nearly every one concerned in the deportation. Lawrence, the English governor of Nova Scotia, who is responsible for it, was cruel and relentless enough, but Mr. Richard's language is too strong. Lawrence is "totally devoid of moral sense and utterly heartless" (I. 342), "a scoundrel" (II. 22), "an odious despot" (II. 38), deaf to mercy "like the wolf, like the cat," and, finally, "his soul leers . . . in all its naked hideousness" (II. 60). Mr. Richard labors hard to show that Lawrence deported the Acadians solely that he might grow rich by seizing their property. Vague contemporary charges are indeed made, but the *Canadian Archives Report* for 1894 shows clearly that there was at Halifax a general fear of the French sympathies of the Acadians when war with France was imminent. This of course does not justify, but it explains the deportation.

Mr. Richard's language regarding Dr. Akins is equally unmeasured, and he goes so far as to reproach him for omitting documents of whose existence we have no knowledge (I. 194). Parkman, however, is his especial victim. The Puritan historian is "superficial and dishonest" (II. 159), "a cheat" and a "literary malefactor" (II. 190). When Mr. Richard says that Parkman "has reduced historical trickery to a fine art" (II. 159), one only wishes that a few more could learn the trick; and when he says that he "is never accurate" (II. 162), we are not listening to the language of sober reason. Parkman has obvious faults, but a French-Canadian should be grateful to the scholar who first taught the English-speaking world that New France has a history.

Mr. Richard's criticism of Parkman invites inquiry into his own

method. He has an acute mind and a liberal spirit, when his prejudices are not aroused, but little narrative power. Keen as is his interest in the subject, he has not prepared himself adequately for his task. It is amazing to find that a historian of the deportation has not read Winslow's *Journal* (II. 114), which contains the only detailed contemporary narrative, and is easily accessible in the publications of the Nova Scotia Historical Society. Mr. Richard quotes Casgrain frequently, but, in other places, copies him almost *verbatim* without acknowledgment (cf., e.g., II. 242 with Casgrain's *Pelerinage*, Paris edition, 1890, pp. 155, 156). He has not yet learned the sound method that Parkman knew so well, of giving precisely the book or document which is used as authority. It is exasperating to have "an historian" quoted (II. 310) without knowing who, and to have an admittedly imaginary letter printed as if real (I. 124). If the author had revised his book, cut out all repetition, all the imaginary mental operations of his characters, and all vituperation, he would have reduced its bulk by one half, and, at the same time, have made it more effective. Even as it stands, it is noteworthy, and ought forever to silence the flippant plea that the sufferings of the Acadians were light and well-deserved.

GEORGE M. WRONG.

*The United States of America, 1765-1865.* By EDWARD CHANNING, Ph.D., Assistant Professor of History in Harvard University. (New York: Macmillan and Co. 1896. Pp. ix, 352.)

THIS volume is the fourth in "The Cambridge Historical Series." It covers the political history of the United States from the passage of the Stamp Act to the surrender at Appomattox. The author has sought to tell his story simply and yet to give the most important results of modern research. He has not tried to air any new ideas or theories, or to go out into the byways in search of strange facts, but only to relate in a plain, straightforward fashion the main historical events of a century. The preface modestly puts aside any claim of originality, and frankly acknowledges dependence on the larger and more trustworthy of the secondary histories in writing a considerable portion of the volume. It is plain enough, however, that he has written with great judgment, and used both original and secondary material with the trained discernment of the scholar; while the very effort to keep within beaten paths and not to run far afield in search of needless scraps of learning has made the book sane and sensible and suited to the needs of the readers for whom it is meant. The narrative is unadorned, but the tale is well told, and its parts are well balanced.

To the special student of American history, perhaps also to the average reader, the first chapter is of the utmost value; so valuable is it that the book would have merit were the succeeding pages of little worth. In this chapter, which treats of the industrial and social life of the colonies in the

middle of the century, Professor Channing is thoroughly at home, and speaks as one with authority ; every sentence is the result of careful thought and study, and every paragraph is crowded with information. That there is nothing startling and little that is new does not detract from the worth of pages where each statement is the conclusion of scholarly investigation. In other chapters the author has shown almost equal skill in filling his pages with facts and in summing up a situation in a few words. For example, the commercial relations between America and Europe in the years preceding the War of 1812 are presented in a single paragraph with clearness and with fulness sufficient to enable the ordinary reader to appreciate the chief difficulties and perplexities of the times.

The limitations of the foreign reader have been kept in mind in the preparation of this volume, inasmuch as it belongs to a series intended largely for European readers. This fact has caused the intrusion of some material and explanations that otherwise might have been omitted. On the other hand, although the social and industrial life of the American people at various times is clearly and succinctly set forth, and although these passages contain a great deal of valuable and well-selected matter, the author has made no serious effort to show how the character of the people has been continually changing, and how these changes have affected the forms, the problems, and the progress of the state. No British reader can understand the Jacksonian era in politics unless he sees and knows the Jacksonian era in the conduct and energies of the men who made up parties and took part in government, unless he sees that the extravagances and excitement and excesses of partisanship were more than equalled by the turbulence and buoyancy of every-day life, unless he sees that for the first time the new West and the frontier had taken the whip-hand in political management and that the masses of the people were ready to act upon the teachings of ultra-democratic philosophy. Professor Channing had done so much in the small space allowed him that it is somewhat unseemly to criticise him for not doing more ; but his book would be of more value to the casual reader if he had connected his social studies with the political phenomena.

Although the book is evidently written with care and painstaking, there are a few evidences of the truth of the assertion which the author makes in his preface, — that "it is practically impossible to be absolutely accurate in a work of this size." The smallness of the volume adds in a way to the difficulties of attaining accuracy, because a short, unqualified assertion may contain a modicum of error though it be true on the whole, or a statement true in itself may induce quite wrong conclusions. It is scarcely correct to say that the jurisdiction of the supreme court "is confined to cases 'arising under this constitution'" (p. 127), or to say that Washington issued his proclamation of neutrality in 1794 and to convey the impression that it was issued some time after the landing of Genet and after he had broken "the promises which he had made to the secretary of state" and after he had defied the government (pp. 147, 148). Although Pennsylvania

may be justly contrasted with Virginia in considering the effects of slavery, it is not quite right to declare that there were no slaves in the former state at the beginning of the century (p. 162). One is at liberty at least to doubt the assertion that "the Jeffersonian system of commercial warfare as a matter of fact brought about the repeal of the Orders in Council." Henry Adams says, "Every one knew that the danger, already almost a certainty, of an American war, chiefly caused the sudden and silent surrender, and that the ministry, like the people, shrank from facing the consequences of their own folly."

One who believes that since the adoption of the Constitution the American people have been legally a state, and that Calhoun and Jefferson Davis were technically as well as morally wrong, will regret to find that Professor Channing has added the weight of his name to the latter-day doctrine that Webster proclaimed a new theory of the Constitution and that Hayne defended the old, the one therefore legally correct. Regret will be deepened by finding that the author quotes with apparent approval the meaningless opinion of Mr. Lodge that at first the Union was looked upon as a mere "experiment" from which each state had the "right peaceably to withdraw." That the Union was at first an experiment, the success of which was uncertain, no one will deny; but that fact does not make the new state a confederation; the fact that a law may prove ineffective and be broken does not prove that it was not meant to be law after it has been established and obeyed. The trustworthiness of Mr. Lodge's statement on this matter might be seen by the fact that in the very paragraph from which the words above quoted are taken, he also says that "when the Virginia and Kentucky Resolutions appeared they were not opposed on constitutional grounds, but on those of expediency and of hostility to the *revolution* [...] which they were considered to embody." This is not only poor logic but false in fact. The fourth volume of Elliot's Debates contains the answers of the Federalist state legislatures repudiating the doctrines of the Resolutions on constitutional grounds.

In spite of a few trivial errors, and in spite of the fact that the author has, as I believe, gone wrong on the great fundamental principle underlying our constitutional history, the book is a result of sound scholarship and good sense, and is a valuable addition to the works on American history. It deserves to be widely read both in Europe and in America; and the reader may be sure that he can nowhere obtain a clearer, fairer narrative, or one fuller of valuable and well-chosen facts.

A. C. McLAUGHLIN.

*The Life of Thomas Hutchinson, Royal Governor of Massachusetts Bay.* By JAMES K. HOSMER. (Boston and New York: Houghton, Mifflin and Co. 1896. Pp. xxviii, 453.)

GOVERNOR HUTCHINSON's title to commemoration in an extended biography rests solely upon his conduct of various public trusts in Massachu-



setts, and his merits as a historian. In both these respects, we think, recent writers unduly magnify his deserts. As a historian his pages shine only by contrast with the dry and promiscuous records of great and small events left by his predecessors, from Bradford and Winthrop to Prince, not excluding the *Magnalia*. In point of style, his simple, natural sentences are as pleasing and as free from solecisms as the average compositions of the best English scholars of his time. He is not, however, equally happy in his narrative. This fact is explained by his negligent use of materials. He tells us that for thirty years he had been collecting data for his history from all available sources. The papers he inherited from his father and grandfather must have been rich in details that could be used to great advantage in clearing many obscurities, which apparently he did not deem worthy of consideration. His access to other private collections, especially those of the Mathers, ought to have enabled him to elucidate some neglected points which now appear to be important; but from these he culled only superficially, alluding to them in a manner to tantalize rather than satisfy the reader.

His failure to avail himself of the records of the British government may be excused on account of the attendant difficulty and expense; but there was no excuse for his ignoring the newspapers and other contemporaneous literature or any of the records of the province. Yet the secretary's files and the journals of the representatives of the period during which he was in the public service, he seems to have consulted rarely, or not at all.

He appears to have adopted as the basis of his history of the province, the legislative journals of the governor and council, commonly known as the General Court Records. What the *News-Letter* was to Penhallow, and, indirectly, to his plagiarist, Niles,—what Bradford's history was to Morton,—these defective and inadequate volumes were to Hutchinson. The proofs of this are abundant; but the single instance of his silence with regard to the disastrous expedition under Admiral Vernon against Carthage must suffice here. By the great fire of 1747 both the legislative and executive records of the council covering that period were destroyed. Although at the time Hutchinson was a prominent member of the legislature, he makes not the slightest allusion to this event, which threw a pall over Massachusetts and Virginia by the loss of a large part of the quotas they contributed to Vernon's forces—a calamity which awakened the sympathies of Europe, was celebrated in elegiac strains in Thomson's *Seasons*, and is imperishably associated with the name of the home of Washington.

His carelessness is also shown in his inexcusable misrepresentation of important events within his official cognizance, as well as in his account of the administrations of Phips, Stoughton, Dudley,—in short, nearly all who preceded him in directing the executive affairs of the province.

One intimately familiar with the details of the actions and motives of public men, throughout the whole period which his history covers, gets the

impression that the author had a purpose ulterior to an impartial description of the progress of the people, which is his professed aim. The feeling is irresistible that the historian is more intent upon showing how the theories he entertained of the need of closer relations with, and dependence upon, the imperial government were regularly evolved, and upon magnifying his own efforts to establish them.

His silence upon matters indicative of the advance of civilization — the cultivation of the amenities of social intercourse and the growth of humane sentiments — is provoking. Between the date of the province charter and the end of his career a revolution had taken place in New England in every department of human industry, in the art of living, and in the means of intellectual culture, greater, perhaps, in proportion, than during the same number of years before or since. All the steps of this wonderful progress Hutchinson deems unworthy of especial notice. As a judge of courts of ecclesiastical, civil, and common-law jurisdiction, he could scarcely have failed to be aware of the process of development in each, yet he gives us no account of the agency by which great changes in all of them were effected; on the contrary, his incautious statements have, in some instances, misled those who, in studying our jurisprudence, have too implicitly relied upon his authority.

Yet these defects of the historian are overlooked by his apologists for no conceivable reason, unless it be that none of his contemporaries having had the same motive, or enjoying the leisure, the pecuniary means, or the command of resources required for the execution of such a work, his performance, however inferior in absolute merit, and however incommensurate to his opportunities, is without a rival.

As a politician and public officer, his views and achievements are extolled, and his faults are palliated with the partial zeal of the advocate, rather than the judicial candor of the historian. The opinion entertained of him by the patriots of the American Revolution is ascribed to fallacious views of the constitutional relations of England and her American colonies, and to personal resentment or partisan hostility. To sustain the latter accusation, his own questionable imputations of unworthy motives to his opponents are repeated with, at most, only equivocal apologies or feeble intimations of dissent; and, to vindicate the former charge, the tyrannical principles of the ministers of George III. are assumed to be in strict accordance with the British constitution.

English writers, adopting the traditions of the lawyers, still naturally cherish the ultra-Tory views professed by Blackstone and Lord Mansfield. Our historians of the new school deferentially concur in accepting these opinions as incontrovertible against the cardinal doctrines of the great lawyers and political philosophers who were the chief agents in preparing the English nation for the Revolution of 1688, and against the impassioned protests of later statesmen like Pitt and lawyers like Camden. Some of the more enterprising of this new school, in their zeal to excuse the Tories of the American Revolution, go farther than their British rivals, and hold

that the theories of the early advocates of civil liberty became obsolete upon the accomplishment of the English Revolution ; that that overturn, instead of being chiefly memorable as having exterminated the old superstition of the

“Right divine of kings to govern wrong,”

changed the fundamental law, and gave to Parliament an ascendancy which had not previously been accorded to it, thus making it essentially despotic. To this, however, no English writer of acknowledged authority has as yet assented. On the contrary, the general voice of England applauds Macaulay's echo of the opinion, “of all the greatest lawyers, of Holt, of Treby, of Maynard and Somers,” that “the whole English law, substantive and adjective, was exactly the same after the Revolution as before it.”

The shifting issues of the American Revolution were finally reduced to this single question of the absolute supremacy of Parliament ; the Tories affirming it, the patriots denying it.

Now, in this issue, we shall assume — since the limits of this review preclude extended argument — that all the law and the facts are not against the patriots ; and that those of us who adhere to the American doctrine, even if we choose to waive the privilege of pleading in bar the judgment which our fathers obtained by the arbitrament of arms — the *ultima ratio regum* — in their war against unconstitutional acts of Parliament, need never fear of being worsted in an encounter with the ablest champions of Toryism, if we are wise enough not to discard the patriots' panoply.

The comprehension of the full import of the doctrine that there were possible proceedings of Parliament that were *ultra vires* was the result of long deliberation and experiment, during which its adherents sometimes hesitated and were often inconsistent. But, dispassionately considered, it is difficult to see how it involves a paradox or derogates from the lawful supremacy of Parliament, or impairs the sovereignty of the crown or of the nation.

The theory of collateral and mutual rights between the mother country and her colonies derived from this doctrine was treated by Hutchinson as monstrous and the promulgation of it as seditious. It is fair to suppose that he failed to perceive its practicability, but this seems to have been the result of an inveterate prejudice founded on his contempt for democratic ideas. He met the arguments of the patriotic party by the sophistical counter-arguments of the high Tories. By a line of reasoning equally plausible, Filmer had learnedly demonstrated the absolute authority of Charles II. not only to rule and levy taxes, but to make and execute the laws. On the abstract question of the omnipotence of Parliament he was willing to admit that the inherent rights of an Englishman would remain in him, notwithstanding an act of Parliament to the contrary ; but he qualified this admission by absurdly affirming that the exercise of the inherent right must be suspended during the continuation of the act.

Before the interference of Parliament in the affairs of the province had been resented as unconstitutional, the power of the prerogative which, in the days of the colony, had gradually grown more and more oppressive, until it culminated in the usurpation of Andros, was reasserted, and had long been a source of friction between the crown and the province.

In all the conflicts that occurred with the Privy Council and with Parliament, Hutchinson's sympathies were with the home government, and he acted as if he believed that the functions of a governor and the duty of a loyal subject were principally to admonish the people and restrain their inconsiderateness and seditious tendencies, and to favor the purpose at Whitehall and Westminster to coerce the colonies into proper subjection as mere tributaries of the realm.

He was born a conservative. In early manhood he courted the society of the young scions of the nobility among the officers of the army and navy stationed at Boston, and he informs us that as a child the sufferings and death of Charles I. made him weep. This sentimental tenderness in a descendant of ancestors who, he well knew, had endured or witnessed the cruel persecutions of the Puritans in the reign of that unfeeling monarch, indicates a natural proclivity in harmony with his subsequent career.

For all his complaisance, he received from his official superiors the empty meed of their approval for having done his duty. This did not satisfy his ambition. He craved higher distinction if not greater reward. He understood something of the arts of the courtier. Like Joseph Dudley, between whom and him the parallel is, in many respects, striking, he let it be understood in England that he was not opposed to an abridgment, in the province, "of what are called English liberties." He resisted zealously, though sometimes covertly, every suggestion for relaxing the rigor of imperial control and every protest against British interference, and he was astute in finding some ground for sneering at, or disparaging, every aspirant to larger liberty. He was superserviceable as an informer both against individuals and public measures deemed by him unfavorable to the designs of the Privy Council, or at variance with the declared will of Parliament. He never remonstrated against, if he did not suggest, those instructions and orders in council strictly forbidding the governor to assent to any bill to encourage those trades and manufactures in the province which were in any degree prejudicial to the trades and manufactures of the kingdom.

He visibly adhered to the Congregational denomination in which he was brought up and for which, evidently, he had a strong partiality on account of the simpler rites and primitive discipline which his Puritan ancestry had helped to establish. But his tolerant inclination to the Church of England, shown in his unconcern at the schemes of the Bishop of London to establish the Episcopal hierarchy in America, might have ended in outward conformity to a Low Church ritual, had not prudence restrained him from rashly committing an act by which he would have forfeited all hope of retaining the good-will and political influence of the

powerful body of Dissenters in England—a sacrifice not to be willingly suffered unless with the more than equivalent assurance of royal favor and support.

Such are some of the characteristics of the man whose vaulting ambition, having carried him to the highest attainable civil positions, at length “o’erleaped itself.”

That he had good qualities, socially, does not so much concern the biographer as do the services which he rendered to the public. Most men are well thought of by their friends and neighbors, and no refined mind but must be often charmed at the exhibition of pure and simple tastes in men of high station, and touched by their demonstrations of parental tenderness or conjugal love and fidelity. These attractive traits are not singular in any age. They were possessed by hundreds of fameless fathers and husbands in and about Boston in Hutchinson’s day, and before and since.

The destruction of Hutchinson’s house and his papers by the mob was as infamous an act of lawlessness as was ever perpetrated in Boston, and in the minds of all decent men will always provoke indignation and excite pity and regret. But impartial observers of the manner in which popular impulses find expression will remember that such acts of violence by men of English stock are usually either the blind resentments of the actually oppressed or are incited by fear of the loss of liberties dearer than life and property. In England almost every great reform since the Conquest has been brought about by just such means. Until the reform acts furnished a safety-valve by extending the privilege of electors, the mob was more worthy to be deemed the “fourth estate” of the kingdom than the press. This Hutchinson must have known, and ought to have considered in forecasting the consequences of an abridgment of popular liberties.

No lover of peace and good order can sincerely lament that the contemplation of Blackstone’s picture of the beauties of the English system had not deluded our fathers into adopting and perpetuating it here, or regret that in England the freedom of speech and of the press, and the extension of the elective franchise and of eligibility to Parliament, which, directly or indirectly, are attributable to the American Revolution, have purged it of its constituent element of violence upon which its admirers are reluctant to dwell.

Mr. Hosmer joins the ranks of Hutchinson’s defenders with the frank avowal that his fame “deserves a *rescue* after the long obloquy,” and that he has found it a grateful task to attempt for him a “*Rettung*”—adopting the word which Lessing applied to his projected essays for retrieving the reputation “of great men of the past to whom harsh measure has been dealt out.” No one who has compared Mr. Hosmer’s *Life of Samuel Adams* with the present volume will be disappointed to find that, as between the two, he is more in sympathy with Hutchinson. This is a necessary consequence of his concurrence in the new-school views from which we dissent. Hence, too, we are not surprised to find in the present book

indications that the author has not escaped the infection which, Macaulay declares, biographers "are peculiarly exposed to—the *Lues Boswelliana*, or disease of admiration."

In his zeal to give the color of merit to the cause in which Hutchinson so signally failed and so grievously suffered, he likens the Tory refugees to the exiled Huguenots, and speaks of "that one error"—"their mistaken and unfortunate choice of sides in that last crisis"—as the extent of the offence which "has cancelled in the minds of their countrymen all their excellence."

He finds sanction for Hutchinson's aristocratic ideas in an oligarchic apothegm by Governor Winthrop, and in Matthew Arnold's doctrine of "the remnant"—both of which he cites with no word of disapproval, and fortifies with his own declaration that "many, possibly an increasing number, in our own day will say that" Hutchinson "was nearer right than his enemies." He leaves with us the impression that in his opinion the political system which our fathers bequeathed to us, and to which he applies Fisher Ames's comparison of a raft—always partly under water but never sinking—is not without besetting perils. "Many," he lugubriously tells us, "who until now have floated upon the raft confidently begin to feel that it must be forsaken."

He seizes upon Herbert Spencer's declarations "that his faith in democracy is gone, and that we are on the high road to military despotism" as a good excuse to "ordinary men" for doubting the stability of "institutions heretofore cherished and implicitly trusted." Having sounded this demoralizing note, he concludes that it is wise to "make the best of" the situation, and seeing we are "on the raft for good and all," to assume an air of confidence solely in deference to the gratuitous and somewhat conflicting theory that, in "an Anglo-Saxon community, the people can and ought to take care of themselves."

He strives to hold the scales of judgment in equipoise, but without a clear perception of the essence of the injustice that he would avoid. What he assumes as the basis of an explanation is not always according to the fact. His mistaken parallel of the constitutional objection to the exaction by Parliament of duties of impost from the colonies to the controversies in our day concerning the expediency of tariff or free trade does not extenuate the offence of the advocacy of parliamentary supremacy. It serves only to obscure his meaning to those of his readers who are aware of the acts—never complained of and rarely evaded—which were annually passed by the provincial legislature for placing, upon imported goods, duties to be collected by our own officers of the customs. His charge, therefore, of wholesale "smuggling" by the New England merchants—an offence which he charitably endeavors to extenuate by dividing the responsibility with the conniving collectors of the customs—needs to be qualified, since, if he means to limit it to the evasion of acts of Parliament, he is begging the question: he should not close his eyes to the fact that, if the denial of the constitutionality of those acts was valid, they were void;

and that even a custom-house oath prescribed by a void statute was then, as now, neither legally nor morally binding.

The defects we have thus summarized are attributable to the same fault of which we have accused Hutchinson — failure to make use of the materials which the public records afford. But in this respect Mr. Hosmer's shortcoming is not exceptional. It is a common fault, and one which finds easy condonation in historical circles where, as a rule, speed in book-making wins more applause than thoroughness or exactness. Had he studied the charter and the records of the province as industriously as he has the compilations of other authors, he would have avoided such a slip as the error of limiting the governor's right of veto in the election of councillors. The same precaution would have prevented his confounding the bills of public credit with the issues of the Land Bank. Neither would he have regarded with favor the action of Parliament in suppressing the latter. The retroactive declaration by which the Bubble Act was used for that purpose was an abuse of power which Mr. Andrew McFarland Davis, who has given us the benefit of his exhaustive examination of the whole subject, condemns as unreasonable and tyrannical. At all events, there is no doubt, as he asserts, that it led men to question whether they could abide the exercise of any such power — thus fostering a spirit of resistance which culminated in the Revolution.

However his pessimistic views may invite dissent, there are other features of Mr. Hosmer's work which entitle him to unqualified praise. Chief among these is the fidelity and thoroughness with which he has explored all the materials left by Hutchinson, and the respectful consideration which he has given to the labors of others in or about the same field, including the essays wherein writers of another new school of history have endeavored to trace to remote antiquity ideas and institutions which are claimed to have attained fruition if not perfection in our Anglo-American republic. Nor is he less to be commended for his habit of never consciously concealing any fact that might be availed of to the disadvantage of the subject of his biography. Although he may incline to a construction either favorable or unfavorable of any act or sentiment, he never omits to present it honestly for the consideration of the reader.

These are admirable qualities, but they are not sufficient to give his book the value of an authority. When we consider how much Mr. Hosmer has done in the line of biography and how skilfully he has used the materials at hand, it not only excites our respect for his ability and our wonder at his industry, but our regret that he has not been encouraged to drink at the fountain-head, regardless of the time required, and with absolute exemption from all distracting cares.

ABNER C. GOODELL, JR.

*The Winning of the West.* By THEODORE ROOSEVELT. Vol. IV., Louisiana and the Northwest, 1791-1807. (New York: G. P. Putnam's Sons. 1896. Pp. vi, 363.)

MR. ROOSEVELT has done a real service to our history in his volumes on the West. He has rescued a whole movement in American development from the hands of unskilful annalists; he has made use of widely scattered original sources, not heretofore exploited; and with graphic vigor he has portrayed the advance of the pioneer into the wastes of the continent. He has considered his subject broadly, in its relations to world-history, not in the spirit of the local historian. This is an admirable thing to do; and Mr. Roosevelt's appreciative sympathy with the frontiersman, due in part to his own Western experiences, has enabled him to depict the movement as probably no other man of his time could have done. The difficult question of the relations between the Indian and the pioneer he has handled in a courageous and virile way that enables the reader to correct the well-intentioned, but not altogether well-founded, criticisms of the Indian relations of the nation by Eastern writers. He has brought into prominence an important, but much-neglected, subject by unfolding our relations with Spain and England respecting the frontier, and has given a valuable treatment of the tortuous intrigues of Western leaders with the Spaniards and the French. These are some of the strong features of Mr. Roosevelt's work. They indicate the value of his contribution to the work of constructing the truly national history of the United States, — a work that remains to be accomplished.

The author's conception of his subject is well indicated in its title: it is of the acquisition and early settlement of the West that he writes. He is not particularly concerned with the reactive influences of the West upon the East, nor with the development of institutions, nor with the later history of events, in the areas across which the waves of pioneer life passed. It is the dramatic and picturesque aspects of the period that most interest him, — the Indian fighting, the intrigues with Spain, and the exploration of the far West. He handles the subject with dash and lightness of touch; and sometimes this facility shows itself in a readiness to pass over institutional development with a comment of praise or blame, instead of information that the reader has a right to expect. He frequently fails to work his subject out into its less obvious relations; and the marks of actual haste are plain in careless proof-reading and citations. He does not hesitate to use his pages as a means of impressing his views of parties and party policies upon his readers, and he frequently enlivens his pages with a *hæc fabula docet*, for the benefit of the present generation.

The fourth volume adds evidence to the existence of these merits and defects. The opening chapters afford abundant proof of Mr. Roosevelt's skill in handling the picturesque. The campaigns of St. Clair and Wayne are not likely to be better presented than in the author's pages; and he has an excellent analysis of the confused conditions of treaties, of the diffi-



cult or impossible task of discriminating between friendly and unfriendly Indians, and of the forces of expansion that would have found occasion for the conquest of the wilderness, even if the savages had not given occasions. The reluctance of the government to undertake offensive operations against the Indians is forcibly illustrated by citations from Knox's and Pickering's papers. That the East finally backed the West, was due, the author thinks, to four main reasons: In some states, as in Virginia and Georgia, <sup>(1)</sup>the frontiersmen were of such numerical importance as to affect the action of the state; <sup>(2)</sup>the fathers or grandfathers of a large class of people had been frontiersmen, and frontier interests and traditions survived in older localities; <sup>(3)</sup>in many communities were people whose kinsmen or friends had gone to the border; <sup>(4)</sup>and the feeling of race and national kinship could be depended on to support the frontiersman when victory was doubtful. Mr. Roosevelt assents to Professor McLaughlin's view of British responsibility in these Indian wars, and criticises the British for treachery in abandoning their Indian allies.

Under the caption "Tennessee becomes a State," the author brings together an interesting mass of material on the difficult Indian questions that confronted Governor Blount; the economic and social conditions of the raw community; the land speculations; the treacherous intrigues of Carondelet with Wilkinson and other Western leaders, as well as with the savage enemies of these frontiersmen; the attempt of Elijah Clark, of Georgia, to set up an independent community in the lands claimed by Spain; and the new constitution of Tennessee.

One of Mr. Roosevelt's most interesting suggestions is with respect to the continuity between Western filibustering movements; they were parts in a current of tendency. Burr's conspiracy and the conquest of Texas were only later manifestations of attempts like those of Colonel Morgan at New Madrid, Elijah Clark, and George Rogers Clark. In further illustration of the continuity of this movement that culminated in the Mexican War, the author might have quoted Franklin's letter to his son in 1767, suggesting "that a settlement should be made in the Illinois country . . . raising a strength there which on occasions of a future war might easily be poured down the Mississippi upon the lower country, and into the Bay of Mexico, to be used against Cuba, the French islands, or Mexico itself." In this connection, Mr. Roosevelt's account of George Rogers Clark's relations to Genet in an effort to lead an expedition against the Spaniards at New Orleans, under the French flag, is of much value. This part of Clark's career has been ignored or glossed over by his admirers, but on the basis of the Draper Manuscripts, in the State Historical Society of Wisconsin, Mr. Roosevelt elucidates the interesting episode. Probably the most serious criticism to be made upon his account of the matter, is with respect to his bitter comments on Jefferson's relations to the movement. He declares that it is impossible that Jefferson should not have known the purposes of Michaux, the French botanist, who acted as one of Genet's agents in the West; and he thinks Jefferson was really engaged in a "characteristic

... "French intrigue" against Washington, and was thwarting his wishes as far as he dared in regard to Genet. This is a serious charge, one of the most serious ones that have ever been brought against Mr. Jefferson. It is, in effect, that while holding his position as Secretary of State, and officially promoting a policy of neutrality, he was secretly assisting a movement which involved the expatriation of leaders in the Western country, the fitting out of a hostile expedition on American soil, against a friendly power, and the replacement of a weak and decadent nation at the mouth of the Mississippi by a powerful nation. The only evidence which Mr. Roosevelt offers for this view of Jefferson is the fact that Jefferson gave Michaux a letter of introduction to Governor Shelby of Kentucky. There is nothing in the letter to indicate a secret purpose, nor do Jefferson's published writings of this period indicate any desire to assist France in the conquest of Spanish lands: the only paper that looks even remotely in that direction bears the written approval of Washington. On the other hand, Jefferson had always taken comfort in the fact that, with a weak power at its mouth, the Mississippi would be ours when we needed it; and he declared only a few years later, when France did acquire Louisiana, that "there is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans." He was even ready to engage in alliance with England to prevent this French acquisition. Thus the antecedent probabilities are against Jefferson's willingness to yield New Orleans, even to a power he liked so well as France. But Mr. Roosevelt omits an important factor in the question, both in his treatment of Clark's expedition and in his account of the exploration of Lewis and Clark later. Jefferson had long been interested in the exploration of a transcontinental route by way of the Columbia and the Missouri. He had written letters to Washington and Madison, from France in 1786, asking information regarding portages between the Potomac and the Ohio, in order to foster the fur-trade between Virginia and the far West. Ledyard, a Connecticut Yankee, had even started with Jefferson's patronage to cross Russia to Kamtchatka, to sail to Nootka Sound and thence return to the United States by way of the Missouri. Ledyard did not succeed; but Jefferson kept the project in mind, and, in 1792, proposed to the American Philosophical Society to send an explorer up the Missouri to the Columbia. Michaux offered his services and they were accepted, and as the representative of this Society, Jefferson gave him a letter of introduction. His recall, as soon as Genet's plans became known, put a stop to his journey. There are several confidential letters of Michaux to George Rogers Clark, among the Draper Manuscripts, but none of them intimate any connection with Jefferson, though they do with Brown of Kentucky. If Mr. Roosevelt knows of this relation of Michaux to Jefferson's plans for exploration, it was certainly a grave mistake not to mention it, both because of the importance of it to a candid estimate of Jefferson's part in this French intrigue, and because of its interest as a stage in the evolution of the project of the Lewis and Clark expedition. Minor defects in the treatment of Clark's

attempt are the neglect to note the relation of Thomas Paine to the matter, and the suspicious correspondence between Wayne and O'Fallon. If Mr. Roosevelt had given more painstaking attention to this important part of Genet's activity, he might perhaps have secured important documents from the French archives upon the extent to which that government was involved in this effort to secure Louisiana in the period before Napoleon; there is no evidence that he attempted to do this. Mr. Roosevelt might also have given more generous recognition of the services of Gayarré on the years embraced in this volume.

The Yazoo Land Company, Carondelet's and Wilkinson's later relations, and Blount's English intrigue are briefly set forth in the work, while Jay's and Pinckney's treaties are considered chiefly on the basis of printed material, without an attempt to exploit Spanish, English, or French archives on these important diplomatic episodes in relation to the West.

The Kentucky Resolutions of 1798 and 1799 are disposed of by Mr. Roosevelt in a paragraph of a dozen lines, while he gives about two dozen pages to the picturesque narrative of St. Clair's disaster. That this mode of treatment is open to objection is clear when it is remembered that, in his previous volume, he had unfolded at some length the particularism of Kentucky with respect to the Mississippi. He makes no effort to relate the philosophy of Kentucky's Resolutions to this earlier experience, nor does he give his readers any insight into the sides taken by Kentucky leaders on the Resolutions. This way of looking at his subject finds illustration also in Mr. Roosevelt's treatment of Ohio in the same epoch. No considerable attempt is made to describe the development of political institutions, state and local, in the Northwest in this period, nor to account for the forces that brought about the division of the Northwest Territory. Such an account would be most helpful in the light it would cast upon the democratic influence of the back country on the New England Federalists who had migrated there, and upon the part played by the Pennsylvania, New Jersey, and Virginia settlers in the Northwest. It was because the expanding regions of the country embraced Democracy, while the Federalists remained stationary, that Jefferson's party came to control the government, and, therefore, a more detailed study of the incompatibility of temperament between Federalism and the West would be an important contribution. But Mr. Roosevelt does not like "the doctrinaire politicians of whom Jefferson was chief." He expresses his contempt in a somewhat characteristic paragraph, as follows: —

"The sin of burning a few public buildings [by the British, at the capture of Washington] is as nothing compared with the cowardly infamy [!] of which the politicians of the stripe of Jefferson and Madison, and the people whom they represented, were guilty in not making ready, by sea and land, to protect their capital, and in not exacting full revenge for its destruction. These facts may, with advantage, be pondered by those men of the present day who are either so ignorant or of such lukewarm patriotism that they do not wish to see the United States keep prepared for war and show herself willing and able to adopt a vigorous foreign policy whenever

there is need of furthering American interests or upholding the honor of the American flag."

Nor do the politics of the frontiersmen please the author; for, in commenting on St. Clair's defeat in the presidency of Washington, he laments that "the foolish frontiersmen, instead of backing up the administration, railed at it and persistently supported the party which desired so to limit the powers and energies of the National Government as to produce mere paralysis. Under such conditions the national administration, instead of at once redoubling its efforts to ensure success by shock of arms, was driven to the ignoble necessity of yet again striving for a hopeless peace." The fact is that the frontiersmen were not likely to support and strengthen the power of the Federalist administration, unless they could see that its main policy did not rest on interests antagonistic to their own; and it would have been more useful for the author to have worked out in detail, by historical evidence, the reasons for this distrust, than to have thus expressed his opinion of Jefferson, Madison, and modern Americans. While one can appreciate the energetic Americanism of Mr. Roosevelt, one can also lament that he finds it necessary to use his history as the text for a sermon to a stiff-necked generation.

In further illustration of Mr. Roosevelt's way of looking at his subject, may be noted his neglect of the land companies and new state projects of western New York and the Susquehanna region, and of the Whiskey Insurrection.

The chapter entitled "Men of the Western Waters" gives a clear statement of the essential solidarity of the West,—its distinctive type that of the Southerner of the uplands, not of the coast regions. The Northeast did not have any considerable influence on the West in this formative period, and there was as yet "no hard and fast line drawn between North and South among the men of the Western waters." As yet the typical Westerner, north and south, was the small pioneer farmer working without slaves, with his home a log hut in the forest clearing. Between him and Federalist governors like St. Clair and Sargent, there were natural antagonisms. The author notes the contrast between the West of our own time and that of the older day as shown in the lack of urban life in the older West, while in the new West great cities like Tacoma and Seattle have sprung up with incomparable rapidity. During the first decade of its statehood, Colorado had a third of its population in its capital city, while Kentucky, which grew as fast as Colorado, did not have more than one per cent. in its capital city. This whole chapter is the best economic and social study which Mr. Roosevelt has yet made in his Western work.

Of the chapters on the Louisiana purchase, Burr's conspiracy, and the explorations of Lewis and Clark and Pike, less can be said. They are interestingly done; but they add nothing of importance to the work of Henry Adams, and the Coues editions of Lewis and Clark and Pike.

Taken as a whole, the volume will be to the general reader a revela-

tion in American history. But the special student must regret that Mr. Roosevelt does not find it possible to regard history as a more jealous mistress, and to give more time, greater thoroughness of investigation, particularly in foreign archives, and more sobriety of judgment to his work.

FREDERICK J. TURNER.

*The Speaker of the House of Representatives.* By M. P. FOLLETT.  
(New York, London, and Bombay : Longmans, Green and Co.  
1896. Pp. xxvi, 378.)

MISS M. P. FOLLETT, in her book, *The Speaker of the House of Representatives*, has made a really notable contribution to the study of the growth of American governmental institutions ; and she has, for the first time, put down on paper, for the benefit of the literary class, certain facts which are accepted as truisms by the men who actually shape the developments of our institutions, but to which the merely theoretical students of these institutions have been almost absolutely blind. The very reason why Miss Follett's work is so creditable is a rather severe commentary upon the mental attitude of many of these students. She has studied the subject at first hand ; with the *Congressional Record*, *The Debates of Congress*, and the *House Journal*, as the highest authorities, but with frequent reference to the published statements of the chief actors in the various struggles, or of their really competent critics. Above all, she has faced facts as they are ; and has not been blinded by seeming analogies between our own and the English system. Unfortunately, the average student of our methods of congressional government cannot rid his mind of the thought that it must be studied in the writings of those who know nothing of the practical work of Congress, and in consequence it is fairly astounding to see how little knowledge these writers usually have of the most important features of their subject, and how idle are their proposed remedies for any existing wrong. A really practical politician is continually irritated at the disregard which the men who merely call themselves practical politicians show for the work of the scholar and student ; but this disregard is unfortunately entirely justifiable in many instances. A few years ago a number of very well-meaning students of congressional government conceived the idea that what we needed was parliamentary responsibility, in the English sense. One or two of the leaders of this cult, notably Mr. Woodrow Wilson, were men of marked ability, who have done admirable work in other lines, and who in this instance were misled solely because they did not know, and could not see, the real conditions under which our government worked ; but their teachings on this point were as idle as if they had tried to model New York municipal government on Plato's *Republic*. Yet for some years their writings were not answered, because they were regarded with indifference by those who knew enough to answer them, and with reverential awe by those who did not. No man practically acquainted with our governmental methods considered them worth an answer, and the students whose knowl-

edge of these methods was obtained purely from the study of the excellent English writers who wrote on English government, considered them unanswerable. It was not until Mr. Lawrence Lowell took the trouble once for all to demolish them that their theories were seriously refuted. To any man who could study in more than one language, and who had ever read the writings of the great Belgian publicist Émile de Laveleye, they needed no refutation.

Naturally, when students could content themselves with work along such merely imitative lines they could not be expected to do work that was worth doing. The mental attitude that made the one possible made the other impossible; and in consequence the great feature of our recent institutional development, the enormous growth of the speaker's power, was never seriously studied. The first sign of an awakening to its importance was given by Professor Albert Bushnell Hart, when two or three years ago he published an article upon "The Speaker's Power," in the *Atlantic Monthly*. I well remember the pleasure this article caused men like Mr. Reed and Mr. Carlisle. Politicians had grown to take it for granted that no so-called student of Congress, if a man of scholarly traditions and college education, would be practically acquainted with even the central features of this subject, and the article came like a revelation. What was there hinted at, or sketched in outline, Miss Follett has now done with a thoroughness and philosophic grasp of her subject that will make her book indispensable to every future student of Congressional government. She has collected her facts with indefatigable industry, and grouped them with an admirable sense of proportion and of historic perspective; she has shown the reason and necessity for the growth of the power of the speaker with singular clear-sightedness and skill.

With all of Miss Follett's views it is not necessary to agree. She does not seem to have estimated correctly the relative weight in leadership of Mr. Reed and Mr. Carlisle, and in one place at least she fails to put proper emphasis upon the fact that Mr. Reed made a far greater advance in the development of the speaker's power than any man who ever held the office. But these are slight criticisms. As a whole, her work is marvellously well done. She shows how of necessity the ideal of the speaker as a mere moderator has tended to disappear. Incidentally she shows that this ideal is not a wholesome one. A large proportion of the academic reformers always treat the fact that the speaker is no longer a mere moderator, as a misfortune to be deeply deplored. In reality, as Miss Follett shows, the speakers who have tried to act merely as moderators, and not as party leaders, have invariably failed to do the great and useful work for the nation which has been done by the men who administer the office in accordance with the deep-rooted principles of American institutional growth. The names of the speakers who were moderators and nothing else have now been rightfully forgotten; but the names of the great party leaders, from Clay to Reed and Carlisle, who held the speaker's chair, will always be remembered, and their work was of lasting good to the people.

Miss Follett begins by an excellent study of the speakership in colonial times, and of the status of the president in the Continental Congress. Following this, she has dealt with the present conditions of the speakership, grouping all the facts together for the first time; but perhaps the most important part of her work is found in chapters four to nine, where she deals with the functions of the speaker in their order, and where she discusses with clearness the growth of the three fundamental powers which the speaker has gradually assumed, and the assumption of which has made him a mighty political authority, second only to the president, — the functions of acting against filibustering, of appointing committees, and of recognizing only those members whom he deems entitled to speak. All of these three powers have been savagely inveighed against, notably by many thoroughly well-meaning academic reformers; but Miss Follett shows clearly that it would be an evil thing to have the speaker act as an unbiassed judge, instead of as a party leader, and that it is in the interest of good government that he should wisely, firmly, and boldly exercise the powers, and accept the great responsibilities, which have come to be associated with an office which can now only be successfully filled by a man who is both a great statesman and a great party leader.

THEODORE ROOSEVELT.

*Southern Quakers and Slavery. A Study in Institutional History.* [Johns Hopkins University Studies in Historical and Political Science. Extra Volume XV.] By STEPHEN B. WEEKS, Ph.D. (Baltimore: The Johns Hopkins Press. 1896. Pp. xiv, 400.)

THE sober *format* of this volume and its unalluring title will probably keep the general reader from attempting its perusal, and may even induce the historical student to place it on his shelves with its leaves uncut. Dr. Weeks's labors do not deserve such a fate, however; for he has worked faithfully not merely in a comparatively new field, but also in an interesting one. His monograph will naturally appeal most to members of the Society of Friends, for it is filled with details in which they alone will take great interest; but it will also appeal to every serious student of that now defunct institution of slavery which dominated our history for fully half a century. Its chief interest from the latter point of view lies, I think, in the fact that it brings into relief the witness that a considerable body of people in at least three important Southern States bore for a number of decades to the moral, and, as the Quakers were in the main a thrifty people, to the economic evils of slavery. The witness thus borne by men who migrated by hundreds and thousands from the South is a fact of great importance to the historian who endeavors to determine impartially how far the people of the South are to be blamed for their adherence to an institution which the rest of the civilized world had given up, and which their great revolutionary leaders, like Washington and Jefferson, had denounced in emphatic terms. Dr. Weeks, of course, sees fully the importance of the witness

against slavery thus borne by the religious body whose history he traces ; but I am not sure that he has not been prevented from stressing it sufficiently by the multifarious details that he has felt compelled to give. In giving these details he has followed the precedent set him by most of our writers of historical monographs, but I cannot help believing that he and they would do well either to abridge their details or to relegate them in the main to footnotes. I think, too, that Dr. Weeks follows another bad precedent when he makes use of terms and expressions of too large and high significance to find fitting place in what is, after all, only a study—though a most worthy one—in local history. The fact that the North Carolina yearly meeting actively resumed its work after the Civil War is an important one, and doubtless deserves a separate chapter ; but I cannot see why Dr. Weeks should entitle that chapter “The Renaissance of North Carolina Yearly Meeting.” Equally suggestive of the ludicrous is the chapter-heading “John Archdale and the Golden Age of Southern Quakerism.” I should add, however, that our author’s style is inflated only in his chapter-titles ; for the rest he is as straightforward and unpedantic as one could desire.

Dr. Weeks divides his book into twelve chapters, to which he adds four appendices. His first chapter is introductory, and the second gives a brief but satisfactory account of the “status of dissent in the South” in the seventeenth century. The third chapter describes “the planting of Quakerism in Virginia and the Carolinas,” and is, of course, filled with details of the sort familiar to students of American ecclesiastical history (if such a term may be used of the Quakers). If the reader will use his imagination, he need not find the chapter dry ; but I must confess that the story of the planting of Methodism about a hundred years later interests me more. Still these early Southern Quakers, especially William Edmundson, the founder of his sect in North Carolina, were men and women who bore heroically many hardships and persecutions which their co-religionists have done well to record and remember. Chapter IV. continues the annals of the Society by describing its progress in Carolina under John Archdale, and, as I have intimated, somewhat belies in interest its grandiloquent title.

The expansion of the Society in the eighteenth century next occupies our attention and demands a considerable amount of space. Dr. Weeks handles his details with not a little skill, and succeeds in bringing out quite clearly the fact that Southern Quakers of this century divide into two well-defined groups or stocks,—those lying nearer the seacoast representing the expansion of the native element, and those settled in the inland counties representing “the later immigrants, many of them Germans or Welshmen by birth or descent, who were destined to replant Quakerism in the South, and without whose representatives the Society would be almost extinct in these states to-day.” This Quaker migration is, our author reminds us, almost identical in character and time with that of the Scotch-Irish. It affected North Carolina mainly, but was also felt by South Carolina and Georgia. Dr. Weeks gives many important details concerning it, but none



more typical of the section or more amusing than the fact he cites concerning the original Charleston Friends, who "considered themselves under the jurisdiction of no yearly meeting save London" (which had established them in 1680). South Carolina's provincial loyalty affected even her Quakers, it would seem.

The sixth chapter describes briefly, but interestingly, the social life of the Friends, but a considerable portion of it is devoted rather to giving short biographical accounts of noted individuals. The next chapter gives a succinct account of the relations of the Society to the Established Church—relations not by any means creditable to the latter. Then we have an equally good discussion of the way in which Quakers have borne testimony in the South against war, which leads us naturally to the most important chapter in the book, which treats of the testimony they bore against slavery. Dr. Weeks describes clearly the way in which the Friends first purged their own Society of the evil, and then set about reforming their neighbors with a good conscience, having plucked the beam from their own eyes. Their methods of procedure were naturally peaceful, and they secured numerous emancipations and coquetted with the schemes for colonization, although there were abolitionists among them from early times. Indeed, the first man in America to preach immediate and unconditional emancipation was Charles Osborn, born in North Carolina, and Levi Coffin, of "underground railway" fame, came from the same state. But, as I have said, the most important fact in connection with the Southern Quakers and slavery is their withdrawal from the South and their settlement in the free Middle West. This forms the subject of Dr. Weeks's tenth chapter, the interest of which is not equal to its importance only through the fact that it is filled with details of the driest sort. As one wades through these, one finds one's self wondering how the Southern Quaker communities ever stood the drain of a migration that began before the present century and took from Virginia and North Carolina thousands of good citizens of whose thrift and probity Ohio and Indiana respectively were to reap the benefit. Southern Quakerism was indeed left in a perilous state, which is described in Dr. Weeks's eleventh chapter; but it stood the strain of constant losses through migration and it even went through the horrors of the Civil War. Since that time it has been growing slowly but naturally, and our author's last chapter gives his book a happy ending, especially as it contains a graceful tribute to the noble work of the Baltimore Friends for the relief of their Southern brethren—a work with which the honored name of Mr. Francis T. King will always be connected.

The appendices to the volume will, of course, make it valuable to specialists, and represent, as indeed does every page of his book, great labor on the part of Dr. Weeks. They give us "Detailed Statistics of Southern Quakers according to Census of 1890," "Time and Place of holding Yearly Meetings in Virginia and North Carolina, 1702-1895," "List of Friends' Meetings in the Southern States," and last, but not least, a full bibliography, which is followed by an equally satisfactory index. As

one examines this index or turns the pages of these appendices or goes carefully through the leading chapters with their multiplicity of detail, one cannot but acknowledge that Dr. Weeks is a scholar capable of both exhaustive and enthusiastic work. He has laid both a whole religious denomination and a section under obligations to him, and he has done a considerable service to his fellow-historians. I am sure that he will get much of the gratitude he deserves ; but, after all, the approbation of his own student's conscience at the faithful and successful completion of his important task will be, as it ought always to be, his best reward.

W. P. TRENT.

*Biography of James G. Blaine.* By GAIL HAMILTON [ABIGAIL DODGE]. (Norwich, Conn. : The Henry Bill Publishing Company. 1895. Pp. iv, 722.)

A REVIEW of Miss Dodge's biography is a task for some public man associated with Mr. Blaine, acquainted with the currents of public life during the last thirty years, able from his own recollections to supplement and to correct the statements of the book. For this is not in reality a biography at all : it is the history of a family, written by a kinswoman who was practically an inmate of the household ; it is a volume of letters, few of which bear upon public affairs, or even on the public life of James G. Blaine, set in a framework of the rhetorical and antithetical statement in which the author was so skilful. More than half the thick volume is given up to details about others than Mr. Blaine himself, with many accounts of children's sayings and neighbors' gossip ; it does not invite the criticism of a serious biography.

Considering the eminence of Mr. Blaine and his influence on the national government, it is unfortunate that the plan of the book should be so unscientific, and its contribution to our knowledge of the man so scanty. No authorities are anywhere mentioned or cited. The chronology is so defective that it is not till twenty years after his marriage that we hear in the book of his having a wife ; the letters are printed in a haphazard manner, so that writer and recipient are not to be distinguished, or are hidden under initials. There is neither an index nor a list of papers ; and one feels timid about accepting any historical statement from the author, after learning (p. 64) that Gallatin was Washington's Secretary of the Treasury. It was not in the mind of the author, whose shrewd and incisive pen is now forever motionless, to use critical tints ; the book is all in black and white : so far as we learn from it, Mr. Blaine appears to have had no other fault than that of interrupting other senators.

Yet indirectly and unconsciously the book brings the reader into appreciative relations with its subject ; and by its very omissions and laudations throws some light upon a career which did not fulfil its own promise. In the first place it brings out the oft-forgotten fact that Blaine came of well-to-do, distinguished, and educated ancestry. His father was a Princeton

man; his grandfather had travelled abroad; his great-grandfather had an honorable part in the Revolution; the Ewings were of his kindred, and wisely refused him a government clerkship. Young Blaine lived in western Pennsylvania, one of the most wide-awake parts of the country; and he had a good education for the times. He was born with interest in public affairs. At seventeen years we find him writing to a friend (p. 88): "Taylor stock has been rising very rapidly in the market since the old general returned to the United States . . . and such is the wild enthusiasm of the American people for a military hero that he will run ahead of anything that either party can bring out." His transfer at twenty-four to Maine made him a New Englander, and at once brought him into politics. By heredity, training, and natural interest, Blaine was prepared for public life.

It is with the private life of the Blaine family, however, that the book is chiefly concerned. Mr. Blaine enjoyed his family, loved his children, participated in their education, and was overwhelmed by the loss of three of them near the end of his own life. He was fond of foreign travel. He had extraordinary power of work—could think out his problems in the liveliest company, minded no interruption, and had a Napoleonic power of going to sleep at will. On the question of his fortune and its sources, a question which was never clearly answered during his life, the book gives no information; though there are a few hints of large investments in coal lands and other places (pp. 247, 255).

But in all these respects Blaine differed little from a hundred of his compeers. It is his public life which entitles him to a biography; and upon his public life we get here only the statements of an ardent admirer, and allusions which must be pieced together and eked out from other sources. It was as Speaker from 1869 to 1875 that Mr. Blaine first became famous. Nothing can be more manly than his own statement about his candidacy (p. 216): "I mean to win if I can fairly and honorably. If I cannot, there's the end. But if successful, I shall not have the self-reproach of having done one unworthy act to secure the place; and if unsuccessful, the same consciousness will be my compensating and consoling fact." There are also some interesting passages on the difficulty of making up committees (pp. 228, 260). But we must turn to Follett's *Speaker of the House of Representatives* to learn the real force and success of his speakership, and the fatal impression which it made upon men who had his destiny in their hands.

For in these six years Mr. Blaine made the reputation which he held during the rest of his life. How much injustice may have been done him the book does not record; for to the author all charges were malignant, and every investigation ended in a final triumph for the Speaker. Perhaps after twenty years it is possible to emerge from the marshes of personality and to form some judgment as to Mr. Blaine's standards and responsibility. It was a period of corruption, the old frauds of war-time supplemented by the confusion of frantic railroad-building. It was a period when, as now,

public men regularly and openly used their offices to build up their own political advancement. As Miss Dodge says (p. 293), Mr. Blaine "never made a point of small things. No such honesty as dividing his official from his personal correspondence ever complicated his use of the frank." Not to make a point of small things is no evidence of evil; but it tallies with a widespread belief that Mr. Blaine went further, and sought to use his public station to aid his private fortunes. Even if it were so, it would have been hard to fix public reprobation upon him, but for his great tactical blunder in seizing the Mulligan letters. The biography throws absolutely no new light upon that transaction, but leaves it evident that he feared to have those letters brought before a committee of investigation. The letters themselves were insufficient as evidence; Mr. Blaine's course alone gave them a barbed point, for it seemed to negative his claim that he had nothing to conceal. Thenceforth, though thousands of his party-friends persistently believed in him, there was a fraction which looked upon him as a man of low standards, and eventually they prevented him from reaching his great ambition, — the presidency.

The biography reviews, with little that is new, the campaigns of 1876, 1880, 1884, 1888, and 1892, in all of which Mr. Blaine was a great figure. Here may be found the record of the phrase of Robert G. Ingersoll's, which passed into a kind of proverb: "Like an armed warrior, like a plumed knight, James G. Blaine marched down the halls of the American Congress and threw his shining lance full and fair against the brazen forehead of every traitor to his country and every maligner of his fair reputation." On the whole, the man rises in one's estimation from quadrennium to quadrennium. A born fighter, he made relentless enemies: but who could spare from our political annals that characterization of Conkling which cost him the nomination of 1876 (p. 174): "The contempt of that large-minded gentleman is so wilting, his haughty disdain, his grandiloquent swell, his majestic, supereminent, overpowering turkey-gobbler strut has been so crushing to myself and all the members of this House that I know it was an act of the greatest temerity for me to venture upon a controversy with him." In 1880 he threw his influence for the largest-minded and most statesmanlike of his rivals. In 1884 his canvass was brilliant and for the most part dignified. In 1888 he had the courage and ability to repel all attempts to nominate him. It must be admitted, and the biography does not disprove the statement, that Mr. Blaine deprived himself of the presidency by raising up opposition which he need not have raised, by an obtuseness as to what the public might consider unbecoming. But he bore his defeats far better than such a greater man as Webster.

Yet, without the presidency, Mr. Blaine had one opportunity to make a great reputation as a statesman, — his service as Secretary of State in 1881. On this period, and this alone, does Miss Dodge's biography render a substantial service to American history. In pages 490 to 503 appears a most intimate and confidential correspondence between President-elect Garfield and his future Secretary of State. We see Mr. Blaine insisting, almost as a

condition of his acceptance, that the President shall take Mrs. Garfield's advice ; we find counsel — almost peremptory — as to cabinet officials ; we see a keen analysis of the sections of the Republican party, including "the Reformers by profession . . . noisy but not numerous, pharisaical but not practical, ambitious but not wise, pretentious but not powerful. They can be easily dealt with, and can be hitched to your administration with ease" (p. 491). We see plans laid for placating or securing the Grant men. It is the work of a political mechanician of genius.

Here we have the key of the aggressive policy of Garfield's short administration : the Republican party was to be consolidated within, and the country aroused by a vigorous foreign attitude. Nothing better illustrates the essential weakness in Mr. Blaine's character ; he could manage parties, he could inspire a president, but he could not gauge the nation's love for peace and quiet. His Pan-American idea was magnificent, but it was inconvenient. President Arthur abandoned it, and when, in 1889, Mr. Blaine again became Secretary of State he himself seemed disillusionized, and appeared as a conservative and restraining force. Had he enjoyed the dozen years of public life which a man of his age might fairly have expected, he might have become again a great force in the nation.

Mr. Blaine has often been compared with Henry Clay, but this biography shows how small was the likeness between them. Both were energetic, magnetic leaders, speakers of the House, secretaries of state, repeatedly disappointed candidates for the presidency. But Clay was a great figure, and filled a great place ; while of Blaine the best-intentioned biographer makes out a man genial, kindly, eager, shrewd, renowned, but not extraordinary. His notions on finance and government were good, he stood out often against illiberal associates, but he never aroused his fellow-men to magnificent thoughts or deeds, or compelled them to turn back from destruction. Henry Clay would have been great if he never had held office. James G. Blaine was eminent because he could secure elections. Who would choose to spend a day in Augusta in 1884, rather than a day at Ashland in 1840?

ALBERT BUSHNELL HART.

*History of the Jewish Nation after the Destruction of Jerusalem under Titus*, by the Rev. Alfred Edersheim, M.A., D.D., Ph.D. Revised by the Rev. Henry A. White, M.A. With a Preface by the Rev. William Sanday, D.D., LL.D. (London and New York : Longmans, Green and Co., 1896, pp. xiv, 553.)

A peculiar interest attaches to the work of Dr. Edersheim because he was so well versed in both Jewish and Christian literature. It is in part for this reason that a third edition of the book under notice seemed called for, though the first edition appeared in 1856. It is, however, much more than a new edition that Dr. White has given us. It is the result of a comparison of the first edition, not only with Dr. Edersheim's modifications of thought found in his later works, but also with the later literature in the

general field, particularly as presented by Schürer. When Dr. Edersheim wrote his first preface only one volume of the voluminous work of Grätz had appeared. The point of view of Dr. Edersheim is well known among readers of Jewish history; and in this revised edition no attempt has been made to seem to attribute to him "opinions which he would not have himself indorsed." In the divine dispensation Israel was originally chosen and separated from all other nations to be the depository of spiritual truth and preserved till the divine purposes were accomplished in the embodying of the fulness of divine truth and divine fact in the person of the Lord Jesus Christ, with whose coming the preparatory, typical dispensation gave place to what is real. "Israel was meant to be a theocracy." It may be said, therefore, without further example, that the reviser's work has been done in a spirit of sympathy with the author's point of view. Within these limits, however, numerous changes have been made by way of correcting inaccuracy or inadequacy of statement in geography, history, and date. No chapter has escaped this painstaking revision, an important part of which consists in the severity of taste that omits irrelevant matter and compresses redundancy of statement. The map is omitted, and from the appendix of five parts, that on the Wisdom of Ben Sira; but there is added a discussion of "The Great Synagogue," "The President of the Sanhedrin," "The Site of Bethar," "The Treatise *De Vita Contemplativa*." These additions to the appendix are real contributions by way of modifying the treatment given their subjects in the older edition and of presenting the later literature with its conclusions. The index is an altogether new and admirable feature, greatly enlarging the usefulness of the book. This new edition is a readable, handsomely printed volume, and, though retaining from the older edition something of an artificial historical judgment, it has a certain charm because of the author's known sympathy with every phase of Jewish life.

G. K. F.

Students of history, especially those who are interested in the scientific philosophy of history, will find in works which originate from a Professor F. H. Colledge's *Principles of History* (New York, Macmillan, 1914) as well as the professional philosopher. It is a consideration of those things that the problems which need to be left to the philosopher who are now being attacked from many different sides and by various means, and are widely free from speculation and the more that need to be the case than of sound investigation. First, Social Evolution and History: Law of Social Science and Law are by no means first things and neither of sound investigation, but they are very interesting signs of the times and signs of the way are likely to multiply rapidly in the next quarter of a century. In the present year the historical student will find much to the purpose both in the historical investigation and in the social philosophy of the "Philosophy of History" as well as in the more directly historical work which is called "The Historical Evolution of Society" and "The

Giddings is by no means entirely free from speculative method and oftentimes is lacking in clearness, but the book is a strong and well-reasoned contribution to this field of knowledge.

The premature death of M. Julien Havet, at the age of forty, cut short a most promising career, and was a great loss to historical science. He was a scholar of extraordinarily keen critical judgment, and no doubt taste as well as circumstances led to his choice of subjects of study; but it is greatly to be regretted that all his published work is upon topics of somewhat special or temporary interest. Besides two volumes — *Les Cours royales des Îles Normandes* and *Lettres de Gerbert* (983–987) — his famous *Questions Mérovingiennes* and some shorter studies and book reviews are all that he has left us. His friends have done well for his fame to collect these more fugitive writings into the two large volumes of the *Œuvres de Julien Havet* (Paris, Ernest Leroux, 1896, pp. 456, 524). The first volume is entirely occupied with the *Questions Mérovingiennes*, which are here published in some cases with *pièces justificatives* and with the answers which M. Havet made to criticisms upon his conclusions. The second volume contains some forty of his briefer studies and more important book reviews, together with a list of others which are not republished. Perhaps the most interesting papers in the second volume are the five articles on medieval tachygraphy, illustrated by a series of fine plates.

The Connecticut Historical Society has recently issued two noteworthy volumes of *Collections*; Volume III. containing, among other papers, Gershom Bulkeley's *Will and Doom*; and Volume V. completing the *Talcott Papers*, the first volume of which (Volume IV. of the *Collections*) was issued in 1892. The *Will and Doom* is a remarkable document, and deserves the attention of all interested in New England history during the last quarter of the seventeenth century. Sir Henry Ashurst, at one time the agent of Connecticut in England, characterized the work well when he called it "a history of the miseries of Connecticut under the arbitrary power of the present government, wherein he [Bulkeley] mightily commends Sir Edmund Andros's government and says all the malicious things he possibly can invent, with great cunning and art." This work has hitherto existed in but one manuscript, sent over to the Board of Trade by Lord Cornbury, governor of New York, of which a copy was made for the Connecticut Society in 1848. It was printed by the society in 1875, but the edition was destroyed by fire in the office where the work was being done. The value of the paper lies partly in its literary style and expression, for it is an example of no little importance of the historical writing of the period; and partly in its bearing upon the New England revolution of 1689, for the author, although a bitter partisan, was a man of learning and influence, and voiced the sentiments of those who opposed the government of the colony. The publication of so extravagant a defence of Andros is timely, in view of the recent attempts to rehabilitate the character of the much-maligned governor; and, although the



work has little historical value, it shows how bitter was the hostility of parties in a period of great political excitement. The second volume of the *Talcott Papers* is an improvement upon the first, and that is saying a good deal. It shows the advantage of experience on the part of the editors,—for no effort has been made in it to modernize the spelling, punctuation, and capitalization of the documents,—and it contains a number of papers throwing light upon the period, which are not, properly speaking, a part of Governor Talcott's correspondence. All things considered, the *Talcott Papers* are among the most valuable of the publications of any of our local historical societies.

C. M. A.

The *Thirteenth Annual Report of the Bureau of Ethnology* to the secretary of the Smithsonian Institution, for the fiscal year 1891-1892, by the director of the bureau, Major J. W. Powell, has just appeared (Washington, Government Printing Office, 1896). The director's report describes the field operations, office researches, and publications of the bureau, and is followed by six important monographs by members of his staff. Mr. William H. Holmes presents an ingenious and interesting paper on the "Prehistoric Textile Art of the Eastern United States," Mr. Gerard Fowke one on their "Stone Art." Mr. Cosmos Mindeleff presents two elaborate studies, one on "Aboriginal Remains in the Verde Valley, Arizona," the other a careful description of the ruins of the Casa Grande, in the same territory, based on examinations and surveys made before the beginning of the preservative works ordered by Congress in 1889. Rev. J. Owen Dorsey contributes a paper on "Omaha Dwellings, Furniture and Implements," Mr. Frank Hamilton Cushing a full and important monograph entitled "Outlines of Zuñi Creation Myths." All these papers, save the last, are illustrated. The whole report gives evidence of careful planning of the year's work, and scientific execution.

*The West Indies and the Spanish Main*, by James Rodway (London, T. Fisher Unwin; New York, G. P. Putnam's Sons, pp. xxiv, 371). This volume, which in bulk and typographic form suggests the *Stories of the Nations* of the same publishers, is an attempt to condense into a single narrative the tangled history of these Caribbean lands, which have scarcely known another bond than one of geography. To the inevitable sketchiness of such a task Mr. Rodway is himself not blind; but he handles his story with the easy command of one long familiar with its details, and has known how to make much of those romantic and picturesque elements which give it a semblance of unity. He has the advantage of long residence in the region of which he writes. A part of his material, too, he had already dealt with in his three-volume history of British Guiana and in his many studies upon that colony. These are grave merits, but they bring with them their defects. The centre of gravity of his work lies clearly on the Main; it is the deeds of the British on sea and shore which frankly fill the



foreground of his thought, and his sympathies are even more British than his theme. His journalistic style, always companionable and full of gusto, drops often into clumsiness; and in his touch of ethical questions there is a robust obtuseness of moral sense which borders close upon the brutal. His critical method, both in the choice and in the use of his sources, is a distinct advance beyond that of his history of Guiana; but there is still something of the same proneness to paraphrase his sources and to indulge in loose or hazy statement. The volume is enriched with maps and with a multitude of pictures, the prosaic exactness of modern photography elbowing oddly the imaginative engravings from old Gottfried's *Reisen* and from Stedman's *Surinam*, with their Indians and negroes having naught of the negro but his color or of the Indian but his nakedness.

We have just received No. 7 of the *Bulletin of the Bureau of Rolls and Library of the Department of State*, dated September, 1894. (Is there profit in maintaining these serial dates?) It contains a brief list of territorial and state records deposited in the bureau, a hundred pages of "Miscellaneous Index," and the conclusion of Vol. II. of the "Documentary History of the Constitution." The last consists of five or six hundred pages of documentary material relating to the proposal of amendments to the constitution by Congress and to the action of the states thereupon; valuable matter, presented in proper style. But it is time to call public attention (we have not seen it done elsewhere) to the extraordinary character of the "miscellaneous index" matter presented in Nos. 1, 3, 5, and 7 of the *Bulletin*. The only explanation given in these bulletins concerning this index is the following, printed at the head of the instalment in each issue: "For the purposes of this index the several classes of papers deposited in the Bureau of Rolls and Library are considered as one collection. The bureau, under existing equipment, cannot confine its indexes or catalogues to any one particular class or collection of papers without neglecting others to which there exists at present little, if any, clue." In spite of this declaration, the 424 pages of index-matter thus far published are almost exclusively an index to Chapter A, No. 78. But an index of what a character! Of the four instalments thus far published, each runs in alphabetical order, and all, save the first, from A to Z. But the reader of, for instance, No. 1, has perhaps perceived that, while there were numerous entries from Dagworthy to De Bois, there were no subsequent D's, the next entry being under Easton. Or, if he were looking at the F's in No. 3, he saw that there were none after Fox, the next name in the index being Gallatin. Now that we have No. 7 before us, the explanation becomes clear. The entries extending in the alphabet from Dagworthy to De Bois have been placed in No. 1, those from Defiance to Dickinson (Philemon) in No. 5, those from Dickinson (Philemon) to Dyer in No. 7, those from Easton to Flying Camp in No. 1, those from Foard to Foreign Affairs in No. 3, those from Foreign Affairs to Fox (Edward) in No. 5, those from Fox (Edward) to Furnival in No. 7, those from Gallatin to Gervais in No.

3, those from Gibbs to Goldsborough in No. 5, those from Gooch to the end of G in No. 7, and so on. Could a calendar of historical documents, published at the end of the nineteenth century by one of the chief governments of the world, be constructed on principles more extraordinary? It will be seen that we have not even the regularity which would be attained if an index from A to Z were broken into fragments and the fragments were dealt evenly into four piles, which should then be separately printed.

No. 8 of the *Bulletin* completes the calendar of the correspondence of Jefferson, which, with those relating to Madison and Monroe, has been so highly useful to students.

The title of Mr. Max Farrand's pamphlet, *The Legislation of Congress for the Government of the Organized Territories of the United States, 1789-1895* (William A. Baker, Newark, N.J., 101 pp.), sufficiently explains its scope and purpose. The legislation by Congress is traced in a clear and logical manner through its various stages to the present time. The period from 1789 to 1836 the author regards as one of experimental legislation. There was no complete break in 1836, but in the organic act for Wisconsin of that year Congress sifts and remoulds the accumulated legislation, and sets a model for all subsequent acts. The work shows a careful analysis of the legislation. An appendix (pp. 57-93) gives a chronological synopsis of the acts of Congress respecting the territories from August 7, 1789, to August 3, 1894.

The eighth volume of Mr. Abner C. Goodell's monumental *Acts and Resolves, Public and Private, of the Province of Massachusetts Bay*, issued within the last few months, though with the imprint "Boston, 1895," is designated as the third volume of the Appendix. It contains the resolves, orders, and votes of the legislature during the years 1703-1707, and lists of the legislature for those years, all edited with the scrupulous care and minute accuracy which characterizes all Mr. Goodell's work, and accompanied with more than five hundred pages of fine-print annotations, which certainly supply every needed help, documentary and other, toward the understanding of the text. In connection with this we should take notice of a volume entitled *Supplement to the Acts and Resolves of Massachusetts which were published for the Commonwealth under authority of Chapter 104, Resolves of 1889, containing such Legislative Proceedings recorded in the Public Archives as are omitted in the Authorized Edition, together with Addresses, Messages, Letters, and Proclamations, collected and arranged by Edwin M. Bacon, Vol. I., 1780-1784* (Boston, George H. Ellis, 1895, 254 pp.). The secretary of state of Massachusetts has issued several volumes of a collection of its early legislation under the authority of a resolve which required him to collect, index, and publish the acts and resolves from 1780 to 1806. Mr. Bacon has discovered fifty-six resolves of the years 1780-1784, which have been omitted in this state edition. He makes these the basis of the first volume of his own supplementary series.

He adds a large number of legislative orders and votes, the addresses, messages, and proclamations of the governors, and, in abridged form, a number of letters found in the archives and illustrating the history of Massachusetts at the close of the Revolution.

We notice somewhat tardily Vol. XII. of the *New Jersey Archives*, printed by the state (Paterson, The Press Printing and Publishing Co., 1895, cxxiv, 729 pp.). It continues the remarkable, and indeed unique, enterprise inaugurated by Vol. XI., namely, the printing of everything—news items, communications, advertisements—relating in any way to New Jersey, that can be found in American newspapers, beginning in 1704. As the editor, Mr. William Nelson, of Paterson, the corresponding secretary of the New Jersey Historical Society, justly remarked in the preface to Vol. XI.: “No similar volume has been previously published in America, if anywhere in the world.” The present volume covers the years from 1740 to 1750, inclusive. It is copiously annotated and thoroughly indexed as to persons, places, and subjects. It is understood that Vol. XIX., to be issued shortly, will continue these excerpts to the end of 1755. To the historical student it is needless to dwell upon the surpassing value of this collection. It is most earnestly to be hoped that the example will be followed in other states.

As the first of these volumes, Vol. XI., was published before the beginning of this REVIEW, it may not be inappropriate for us to call attention to one of the most interesting and important features of their plan. Each is preceded by a large instalment of a History of American Newspapers and Printing, principally relating to the eighteenth century. Prepared with extraordinary care by the editor, this is much the completest account of the early American newspapers that has ever been printed. For the older states a full account is given of all the newspapers printed therein prior to 1801, with notices of printing in the various towns, biographical sketches of the printers, etc. Vol. XI. having given these valuable data for the states from Alabama to Maryland, inclusive, Vol. XII. continues the plan by printing over a hundred pages of fine-print matter on the early history of newspaper-printing in Massachusetts, presenting full accounts of more than twice as many Massachusetts newspapers of the last century as were ever mentioned before in any single work. In both volumes this newspaper history of each state is followed by a list of files of the eighteenth-century newspapers of that state, compiled by Mr. Nelson from more than twenty of the principal libraries particularly rich in such treasures. Vol. XII. gives this matter for Massachusetts, and enables the inquirer to learn where a file of any of the old Massachusetts newspapers may be found. Vol. XIX. will continue this matter, in the alphabetical order of the states, to New Jersey, inclusive. The chapters of newspaper history already given are illustrated with numerous fac-similes of headings of old newspapers.

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CHARLES GROSS.

## NOTES AND NEWS

The celebrated historian of Greece, Professor Ernst Curtius of Berlin, died on July 11, aged 82. Curtius was born in September, 1814, at Lübeck, of which town his father was syndic. Educated at the Katharinum, he went in 1834 to Bonn, where he was especially a pupil of Brandis. When Brandis, in 1837, was called to Greece by King Otto, he took Curtius with him. The three years which he spent in Greece, with Brandis and K. O. Müller, laid the foundation of that intimate knowledge of the land which gave character, in so important a degree, to his chief works. Obtaining his doctor's degree in 1841, he taught in a gymnasium at Berlin, where in 1844 he was made a professor extraordinarius, and was given charge of the historical and linguistic education of the prince who was afterward the Emperor Frederick. In 1850 his *Peloponnesos* was published. In 1856 he became a professor at Göttingen, whence in 1868 he was called back to Berlin. His most famous work was his *Griechische Geschichte* (1857-1861), than which no history of Greece since that of Grote has won a wider reputation. If inferior to Grote in respect to the political aspects of Greek history, Curtius was unsurpassed in the insight, enthusiasm, and eloquence with which he displayed the relations of Greek history to Greek art and literature. The great German excavations at Olympia and Pergamon and the founding of the German school of classical studies in Athens were due more largely to Curtius than to any other man, and his influence in the philological-historical section of the Prussian Academy was exceedingly great. He was, moreover, a man of noble character.

B. Hauréau, eminent as a student of mediæval manuscripts, literature, history, and philosophy, died in Paris on April 30, aged 83. He edited the fourteenth, fifteenth, and sixteenth volumes of the *Gallia Christiana*, and wrote many of the notices in the *Histoire Littéraire de la France*, various works on the history of the scholastic philosophy, a *Histoire Littéraire du Maine* (1842-1852 and 1870-1877), etc.

M. Edmond de Goncourt, known by various works on French history, more especially the social and political history of the present century, died on July 16, aged 74.

M. Hector de la Ferrière, editor of the letters of Catherine de' Medici and author of various books respecting the history of the sixteenth century, died on May 2, aged 85.

M. Eugène de Rozière, noted for studies in the history of old French law, and especially for his *Formules Mérovingiennes*, died on June 17, aged 66.

Dr. James Raine, a canon of York since 1888, and known by many publications illustrating the mediæval history of that province, died on May 20.

William Henry Smith, formerly general agent of the Associated Press, editor of the *St. Clair Papers*, and author of a number of historical works relating to Ohio and the West, died near Chicago on July 26, aged 62.

Dr. J. M. Toner, whose collection of books and manuscripts relating to Washington is one of the most precious possessions of the Congressional Library, and who has elaborately edited several volumes of Washington's journals, died during the summer.

Professor George L. Burr of Cornell University has been since the latter part of May engaged at the Hague in researches for the Venezuela-Guiana Boundary Commission.

Professor Edward Channing of Harvard University and Professor Dow of Michigan spend the present academic year in Europe.

In the *Educational Review* for September Miss Lucy M. Salmon, professor of history in Vassar College, has a paper on Unity in College Entrance History.

#### ANCIENT HISTORY.

The second volume of Professor W. M. Flinders Petrie's *History of Egypt* (Methuen and Co.) has now been published. It covers the period of the seventeenth and eighteenth dynasties.

The American School of Classical Studies in Rome will have its quarters during the coming year in the Story Villa on the Via Gaeta. The director for 1896-1897 is Professor Minton Warren, of the Johns Hopkins University. Professor Allan Marquand of Princeton will be associated with him as professor of archæology. Applications for admission may be made to the director, in care of Messrs. Sebastì and Reali, 20 Piazza di Spagna, Rome, or to Professor C. L. Smith of Cambridge, Mass., acting chairman of the managing committee. Of the highly valuable work done by the school during its first year, under the care of Professors Hale and Frothingham, perhaps the most interesting feature has been the examination of the site of Norba. The *Harvard Graduates' Magazine* for June contains an account of the school and of its first year's work, by its first director, Professor W. G. Hale.

Noteworthy articles in periodicals: W. M. Flinders Petrie, *Pharaoh of the Hard Heart* (Century Magazine, August); A. J. Delattre, *Le Pays Chanaan, Province de l'Ancien Empire Égyptien* (Revue des Questions Historiques, July); C. Johnston, *The Letter of an Assyrian Princess* (Johns

Hopkins University Circulars, June) ; Brandis, *Zur Verwaltungsgeschichte des römischen Reiches* (Hermes, XXXI. 2) ; P. Vigneaux, *Essai sur l'Histoire de la Præfectura Urbis à Rome* (Revue Générale de Droit, May) ; E. Beaudouin, *La Colonisation Romaine dans l'Afrique du Nord* (Revue Générale de Droit, May) ; A. H. J. Greenidge, *The 'Provocatio Militiæ' and Provincial Jurisdiction* (Classical Review, June).

#### MEDIÆVAL HISTORY.

The Oxford University Press has in preparation a new *Historical Atlas of Modern Europe*, to consist of ninety colored maps of moderate size and cost, accompanied by letter-press. Mr. R. L. Poole is the general editor. He has had assistance from Professors York Powell, Prothero, Bury, Tout, and other well-known scholars. Mediæval history is included.

The *Revue de l'Orient Latin*, which appears once in two months, is henceforth to be accompanied by a supplement, appearing once in three months, and devoted to the interests of special scholarship, while the *Revue* itself will be addressed rather to the general public.

Noteworthy articles in periodicals : W. J. Ashley, *The Beginnings of Town Life in the Middle Ages* (Quarterly Journal of Economics, July) ; Léon Le Grand, *Les Maisons-Dieu, leurs Statuts au XIII<sup>e</sup> Siècle* (Revue des Questions Historiques, July) ; E. H. Parker, *The Origin of the Turks* (English Historical Review, July).

#### MODERN EUROPEAN HISTORY.

The Heeren and Ukert series, *Geschichte der europäischen Staaten*, is henceforth to be under the editorial care of Professor Karl Lamprecht. It is expected that Professor Pirenne of Ghent will contribute a history of Flanders and Brabant ; Professor Bachmann a history of Bohemia ; Professor M. G. Schybergson of Helsingfors a history of Finland ; Professor Brückner a history of Russia, of which the first volume has already appeared. It is announced that, in the volumes produced under the new editorship, more attention will be paid to economic and social history.

The Société Belge de la Librairie has published the seventh volume of Father Sommervogel's *Bibliothèque de la Compagnie de Jésus*. This volume contains the writers from Roeder to Thonhauser.

Messrs. G. P. Putnam's Sons announce a new series of *Leaders of the Protestant Reformation*, uniform in style with their series of *Heroes of the Nations*. The volumes already arranged for deal with the following lives : Erasmus, by Professor Emerton ; Luther, by Dr. H. L. Jacobs ; Zwingli, by Dr. S. M. Jackson ; Cranmer, by Dr. A. V. G. Allen ; Melancthon, by Dr. J. W. Richard.

Vol. III., No. 3, of the *Translations and Reprints from the Original Sources of European History*, issued by the historical department of the



University of Pennsylvania, is concerned with the period of the later Reformation. In this enormous field seventeen somewhat miscellaneous documents are given in translation, edited by Mr. Merrick Whitcomb.

Noteworthy articles in periodicals: S. R. Gardiner, *Cromwell and Mazarin in 1652* (English Historical Review, July); R. Koser, *Neue Veröffentlichungen zur Vorgeschichte des siebenjährigen Krieges* (Historische Zeitschrift, LXXVII. 1); H. Marmonier, *La Question de la Maddalena* (Revue Historique, September); H. Hueffer, *L'Assassinat des Plénipotentiaires Français à Rastadt* (Revue Historique, July); Marquis Costa de Beauregard, *La Mort de l'Empereur Paul I.* (Revue d'Histoire Diplomatique, 1896, 3); P. de la Gorce, *Les Annexions Italiennes en 1860; l'Invasion des États Pontificaux* (Le Correspondant, May 10).

#### GREAT BRITAIN AND IRELAND.

The most recent historical publications of the British government are the following: Vol. VII. (1848-1850) of the new series of *State Trials*; the second edition of Mr. Scargill-Bird's *Guide to the Principal Classes of Documents preserved in the Public Record Office*; Vol. XIII. (1581-1582) of the *Acts of the Privy Council of England*, edited by Mr. J. R. Dament; the *Calendar of the Close Rolls* from 1327 to 1330; Part VI. of the *Calendar of the Manuscripts of the Marquis of Salisbury*, issued by the Historical Manuscripts Commission; and the second and third volumes of the *Calendar of the Manuscripts of the Earl of Dartmouth*, issued by the same commission. The second Dartmouth volume deals with the American papers. We shall expect to examine it more fully later.

Vol. XLVII. of the *Dictionary of National Biography* extends from Puckle to Reidfurd. From the point of view of the historical student, the most important articles are: that on Pulteney, by Principal Ward; that on Pym, by Mr. Gardiner; that on Queen Elizabeth's Earl of Sussex, by Mr. Robert Dunlop; that on Raleigh, by Professor J. K. Laughton and Mr. Sidney Lee; and that on Dalhousie, by Sir Alexander J. Arbuthnot.

Messrs. Sheehan of Ann Arbor announce the issue of a series of *Reprints Illustrative of English History*, edited by Mr. W. D. Johnston of the University of Michigan. The aim of the series is to comprehend in a handy form the most important documents illustrative of the chief movements of English history, together with other illustrative materials, an introductory essay, and an annotated bibliography. The political and constitutional development of England and the relations between Church and State will all receive attention.

The Irish Literary Society of London has begun the compilation of an extensive work of reference dealing with the authorities upon Irish history, contemporary and modern.

The Navy Records Society proposes to issue during the present year *Holland's Two Discourses on the Navy, 1639 and 1660*, edited by Mr. J. R.

Tanner; and *Navy Accounts and Inventories under Henry VII.*, edited by Mr. M. Oppenheim. It is expected that the volumes for next year will be the *Journal of Sir George Rowke, 1700 to 1702*, edited by Mr. Oscar Browning; the second roll of *Anthony's Declaration of the Navy, 1546*, edited by Professor Elgar; and papers relating to the blockade of Brest, 1803-1805, edited by Mr. John Leyland.

A movement is on foot for a restoration of the ancient Norman church at Austerfield, one of the sacred places of Pilgrim history. The restoration, which is said to be much needed, will be directed strictly toward the end of bringing the church as nearly as possible to its original condition. Contributions may be sent to the honorary secretary of the fund, Mr. John Walker, Bawtry, Yorkshire.

Mr. James Gairdner has reprinted from *Archæologia* a paper which he recently read before the Society of Antiquaries on the battle of Bosworth, based upon careful investigations made upon the spot.

Messrs. Blades of London have issued an extensive *Bibliography of the King's Book or Eikon Basilike*, by E. Almack (270 pp.).

Dr. Thomas Hodgkin, the historian of the later Roman Empire, has published through Messrs. Methuen and Co. in London, and Messrs. Houghton, Mifflin and Co. of Boston, an excellent biography of George Fox.

The eighth volume of Mr. H. B. Wheatley's new edition of the *Diary of Samuel Pepys* (Macmillan), now published, brings the diary to an end. The ninth volume will contain an introduction, a paper on the London of Pepys's time, a map, an elaborate index, and appendices.

The fifth volume of Traill's *Social England* covers the period from 1715 to 1815. Among the most important chapters are those by Dr. John Brown on Nonconformity and the Wesleyan Movement, 1688-1815; by Mr. R. E. Prothero on the history of English agriculture during the last century; and by Mr. G. Townsend Warner on the development of the great English industries during the same period.

The British Museum has purchased from Viscount Bridport the greater portion of his large collection of the papers and correspondence of Lord Nelson, in sixty volumes, presenting upwards of six thousand letters, together with diaries and other matter. It has also acquired from the Earl of Sheffield the whole of the autograph manuscripts of Gibbon which once belonged to the first Earl. These include the autobiographical sketches and various journals and correspondence.

The first two volumes of the autobiography of the late Earl Selborne, edited by his daughter, Lady Sophia Palmer, have been published by Messrs. Macmillan and Co. They contain memorials of his family, and an account of his own career down to 1865.

Noteworthy articles in periodicals: F. Haverfield, *Early British Christianity* (English Historical Review, July); Thurneysen, *Wann kamen die*

*Deutschen in England* (Englische Studien, XXII. 2) ; F. W. Maitland, *Canon Law in England*, I. (English Historical Review, July) ; Klaehr, *Die Schulen von Eton und Winchester im sechszehnten Jahrhundert* (Neue Jahrbücher für Philologie und Pädagogik, CLII. 1).

#### FRANCE.

The department of printed books in the Bibliothèque Nationale has issued a twelfth volume (Paris, Didot, 799 pp.) of its *Catalogue de l'Histoire de France*, consisting of an author-index to the eleven volumes of subject-catalogue which have now appeared. The catalogue is not to be continued farther.

The Société de l'École des Chartes has begun the publication of a series of monographs under the general title *Mémoires et Documents*, chiefly to consist of the theses presented for the diploma of *archiviste-paléographe*.

In the Foreign Statesmen Series published by Macmillan and Co., the last issue is a book on *Philip Augustus* by Rev. W. H. Hutton.

M. Richard Waddington has brought out in the form of a book, *Louis XV. et le Renversement des Alliances : Préliminaires de la Guerre de Sept Ans, 1754-1756* (Paris, Firmin-Didot), those important and original studies of a much-disputed crisis, of which he has given a foretaste in the pages of the *Revue Historique*.

Professor W. M. Sloane's *Life of Napoleon Bonaparte*, which has for some time been appearing serially in the Century Magazine, will now be issued by the Century Company as a book in four substantial and elaborately illustrated volumes.

M. G. Weill has followed his book on Saint-Simon by another of similar excellence, on *L'École Saint-Simonienne* (Paris, Alcan).

The first volume of the *Mémoires du Baron d'Haussez* (Paris, Calmann-Lévy), published this summer, furnishes valuable information respecting the course of French affairs from 1814 to 1824, during which the Baron d'Haussez was a deputy and a prefect.

Noteworthy articles in periodicals : A. Jessopp, *The Baptism of Clovis* (Nineteenth Century, September) ; L. Batiffol, *Le Châtelet de Paris vers 1400*, I. (Revue Historique, July) ; M. de la Rocheterie, *Marie Antoinette* (Le Correspondant, June 10) ; Ghika, *La France et les Principautés Danubiennes, de 1789 à 1815* (Annales de l'École Libre des Sciences Politiques, May) ; Anatole de Gallier, *Robespierre, ses Principes, son Système Politique* (Revue des Questions Historiques, July) ; P. Bailleu, *Zur Geschichte Napoleon's I.* (Historische Zeitschrift, LXXVII. 1) ; F. Aulard, *Le Lendemain du 18 Brumaire* (Revue de Paris, April 1) ; W. M. Sloane, *Life of Napoleon Bonaparte* (Century Magazine, July —) ; E. Lamy, *Le Gouvernement de la Défense Nationale* (Revue des Deux Mondes, May 15) ; *The Govern-*

ment of France since 1870 (Edinburgh Review, July) ; H. Doniol, *Négociations et Négociateurs de la Libération du Territoire en 1871* (Revue d'Histoire Diplomatique, 1896, 3).

#### ITALY, SPAIN, PORTUGAL.

In the *Archivio Storico Italiano*, in the second number for this year, Mr. Horatio F. Brown gives an account of the English publications on Italian history, from 1890 to 1895.

An important contribution to the history of the union of Italy has been made by the publication of the first volume of Luigi Chiala's *Giacomo Dina e l'Opera sua nelle Vicende del Risorgimento Italiano*. Dina was a noted supporter of Cavour and editor of the Turin newspaper which was Cavour's organ.

A new historical journal for southern Italy has been instituted under the editorial care of Professor R. V. Scaffidi of Reggio. It is entitled *Rivista Calabro-Sicula di Storia e Letteratura*. The price of foreign subscriptions is 12 lire. The most prominent historical scholars of southern Italy promise their collaboration.

M. Gabriel Syveton, in his *Une Cour et un Aventurier au XVIII<sup>e</sup> Siècle : le Baron de Ripperda* (Paris, Leroux), has given a completer study than has ever before been given of that prime minister, and a carefully constructed history of Spanish politics from 1725 to 1729.

Mr. T. Fisher Unwin has published a *History of the Portuguese in South Africa* by Dr. G. McC. Theal, extending from the earliest times to the present day.

#### GERMANY, AUSTRIA, SWITZERLAND.

The *Historische Zeitschrift*, deprived of its chief editor by the death of Treitschke, is now placed under the editorial care of a committee consisting of Archivath Paul Bailleu of Berlin, Drs. L. Erhardt and Otto Hintze of the same city, and Professors Otto Krauske of Göttingen, Max Lenz of Berlin, Moriz Ritter of Bonn, Konrad Varrentrapp of Strassburg, and Karl Zeumer of Berlin. Dr. Friedrich Meinecke will continue to be the managing editor. The editors intend, besides the *Zeitschrift*, to issue a series of monographs under the general title of *Historische Bibliothek*.

The *Monumenta Germaniæ Historica* is continued by the publication of *Auctorum Antiquissimorum, tomi XIII. pars 3, Chronica Minora sæc. IV. V. VI. VII.*, edited by Mommsen ; and of *Legum sectio IV. Constitutiones, etc., tom. II.* (1198-1272), edited by Ludwig Weiland.

Professor Ludwig Pastor has, in the *Revue des Questions Historiques* for July, a summary review of the recent historical publications of Germany.

The fourth "Versammlung deutscher Historiker" took place at Innsbruck, September 10-14.

A new translation of Janssen's *History of the German People at the End of the Middle Ages*, executed by M. A. Mitchell and A. M. Christie, is being published at St. Louis by B. Herder. The first two volumes have appeared.

Dr. Sigmund Riezler has published (Stuttgart, Cotta) a highly important contribution to the history of German civilization, especially of the sixteenth and seventeenth centuries, in his monograph entitled *Geschichte der Hexenprocesse in Bayern*.

An important contribution to our knowledge of Bismarck's history during the years from 1851 to 1860, is afforded by the recently published *Bismarck's Briefe an den General Leopold von Gerlach*, edited by Horst Kohl (Berlin, Häring).

Noteworthy articles in periodicals : F. Rachfall, *Deutschlands Geschichte vom ökonomischen Standpunkte* (Preussische Jahrbücher, LXXXIII. 1) ; H. F. Helmolt, *Die Grenze des alten Deutschlands* (Historisches Jahrbuch, XVII. 2) ; T. Hampe, *Sittenbildliches aus Meisterlieder-Handschriften* (Zeitschrift für Kulturgeschichte, IV. 1, 2) ; E. Otto, *Die Wehrverfassung einer kleinen deutschen Stadt im späteren Mittelalter*, I. (Zeitschrift für Kulturgeschichte, IV. 1, 2) ; K. T. von Buttlar, *Das tägliche Leben an den deutschen Fürstenhöfen des 16. Jahrhunderts* (Zeitschrift für Kulturgeschichte, IV. 1, 2) ; W. Goetz, *Der Kompromisskatholizismus und Kaiser Maximilian II.* (Historische Zeitschrift, LXXVII. 2) ; H. Delbrück, *Friedrich der Grosse und der Ursprung des siebenjährigen Krieges* (Preussische Jahrbücher, LXXXIV. 1) ; William D. McCrackan, *Andreas Hofer, the Hero of the Tirol* (New England Magazine, July) ; F. Meinecke, *Boyen und Roon* (Historische Zeitschrift, LXXVII. 2) ; E. G. Bourne, *Leopold von Ranke* (Sewanee Review, August) ; F. Meinecke, *Heinrich von Treitschke* (Historische Zeitschrift, LXXVII. 1).

#### AMERICA.

The Navy Department has just issued the third volume of the *Official Records of the Union and Confederate Navies in the War of the Rebellion*. This volume covers the operations of the cruisers from April 1, 1864, to December 30, 1865, and completes the first series of the publications as planned by the Department. It includes, among other matters of great interest, a large amount of documentary material respecting the cruises and engagements of the *Kearsarge* and *Alabama*, of the *Florida*, *Tallahassee*, *Rappahannock*, *Stonewall*, and *Shenandoah*.

The first volume of the official compilation of the *Messages, Proclamations, and Inaugural Addresses of the Presidents from 1789 to 1897*, edited by Hon. James D. Richardson, has appeared. It extends from 1789 to 1817.

The last issues in the series of *Old South Leaflets* have been : Winthrop's "Little Speech" on Liberty ; Cotton Mather's "Bostonian Ebene-

zer" from the *Magnalia*; Governor Hutchinson's account of the Boston Tea Party; Adrian van der Donck's description of New Netherlands in 1655; the debate of the Constitutional Convention in 1787 on the suffrage in Congress; Columbus's memorial to Ferdinand and Isabella on his second voyage; the Dutch Declaration of Independence in 1581; Captain John Knox's account of the battle of Quebec; Hamilton's report on the coinage; and William Penn's Plan for the Peace of Europe.

Messrs. Longmans, Green and Co. announce a series of *Harvard Historical Studies*, comprising works of original research by teachers and graduates of the university, and likewise collections of documents and bibliographies. At least three volumes are expected to be completed annually. The first three will be on the suppression of the African slave trade in the United States of America, 1638 to 1870, by Professor W. B. Du Bois of Wilberforce University; on the contest over the ratification of the Federal Constitution in Massachusetts, by Professor S. B. Harding of Indiana University; and a critical study of nullification in South Carolina, by Professor David Houston of the University of Texas.

The latest issues in the *Johns Hopkins University Studies in Historical and Political Science* are a monograph on the History of Taxation in Connecticut, 1636-1776, by Mr. F. R. Jones, and one on Slavery in New Jersey, by Mr. H. S. Cooley.

Under the title *With the Fathers: Studies in the History of the United States*, Professor J. B. McMaster, of the University of Pennsylvania, has published a collection of historical essays recently contributed to various magazines. They relate to the Monroe Doctrine; the third term tradition; the Know-nothings; the framers and framing of the Constitution; Franklin in France; the British evacuation of New York, etc.

Hon. Edmund G. Ross, who was a member of the Senate at the time of the impeachment of President Johnson, and was one of the seven Republican senators who refused to vote for conviction, has published at Santa Fe a small but interesting volume entitled *History of the Impeachment of Andrew Johnson*.

Mr. Joseph Williamson has issued in two volumes a *Bibliography of the State of Maine* from the earliest period to 1891 (Portland, 1896, 738, 699 pp.). His plan confines itself to writings printed in or having reference to Maine, and writings of which the authors were at the time of writing or publication residents within that state. The arrangement is chronological, and the book is thus open to criticism in respect to convenience of use; but its importance and value will nevertheless be great.

Vol. XXVII. of the *New Hampshire State Papers*, edited by Mr. Albert S. Batchellor, is also called "Town Charters, Vol. IV." and "Masonian Papers, Vol. I." It contains the township grants of lands in New Hampshire included in the Masonian patent, issued subsequently to 1746 by the Masonian proprietary. These are presented in alphabetical order from A

to M, and are accompanied with plans, bibliographical citations, and complete indexes (Concord, the Public Printer, 1896, 588 pp.).

This summer's course of Old South Lectures for Young People, given weekly at Boston, related to the American Historians, from Bradford to Parkman.

Messrs. Houghton, Mifflin and Co. have published the *Life and Letters of Charles Bulfinch, Architect*, edited by his granddaughter, Miss Ellen Susan Bulfinch; a work whose text and illustrations cast much light upon the history of American architecture during the first half of the present century.

The *Twenty-seventh Report of the Record Commissioners of the City of Boston* contains the selectmen's meetings from 1787 to 1798, published after the usual manner. The index of names seems to us open to criticism. To find, for instance, under the name Boardman, the bare enumeration of 295 pages (out of 350 in the volume) upon which that name occurs, is no aid to the student. These longer items in the index should somehow be subdivided.

The Nantucket Historical Association, founded in 1894, has issued, as Bulletin No. 1, a highly interesting paper on *Quakerism in Nantucket since 1800*, by Henry B. Worth.

The July and October numbers of *The Publications of the Rhode Island Historical Society* contain continuations of Mr. Henry C. Dorr's Providence Proprietors and Freeholders.

The Record Commissioners of Providence have issued the tenth volume of the *Early Records of the Town of Providence*. It contains the proceedings of the town council from 1692 to 1714, and consists chiefly of probate matters. It is thus closely related to the sixth and seventh volumes, which contained early wills.

Messrs. Henry Holt and Co. are the publishers of Vol. II. of *Biographical Sketches of the Graduates of Yale College, with Annals of the College History*, by Mr. Franklin B. Dexter. The volume, admirable for fulness and accuracy, extends from May, 1745, to May, 1763. Among the graduates of these years were Judge Thomas Jones, Bishop Seabury, Silas Deane, and President Stiles.

The Connecticut Historical Society has made considerable progress in the preparation of a new volume of *Collections*. It will contain, with other similar Revolutionary matter, "A Concise Journal or Minutes of the principal movements toward St. John's (Chamby) of the siege and surrender of the forts there in 1775." This is an interesting journal of the Rev. Dr. Trumbull, a chaplain in the army, and gives a detailed account of all the military operations in which he was engaged during the period mentioned. Letters and papers of Trumbull's relating to the expedition will also be included. The Society are also preparing to print a portion of the early

votes of the town of Hartford. This will be the first such publication, of any considerable extent, in Connecticut.

We understand that there has been some delay, by reason of legal obstacles, to the printing of the old Dutch records of New York City by the Board of City Record. We hope that the delay may result in the printing of the Dutch text, and in an enlargement of the proposed edition.

The comptroller of the state of New York has discovered, in the attic of the old State Building, a large quantity of records of the Revolutionary War, offering data respecting sixty-four military organizations in the colonial and Continental services, and four privateers belonging to the state. The records contain the names of over 30,000 soldiers of New York.

Under the name of The Colonial Society, a new club has been started in Philadelphia which will devote itself to the publication of facsimiles of rare or unique books, and also of new works relating wholly to the history of Pennsylvania.

The Southern Historical Association held its first annual meeting at Washington on June 12. The inaugural address was delivered by the President, Hon. William L. Wilson. Dr. Stephen B. Weeks read a paper on the promotion of historical studies in the South; Mr. Thomas M. Owen a paper on the documentary history of the state of West Florida. Mr. Theodore L. Cole presented the first part of a bibliography of the statute law of the Southern states.

In the July number of the *Virginia Magazine of History and Biography* the most interesting documents printed are: the continuation of the defence of Colonel Edward Hill; certain decisions of the Virginia General Court, 1626-1628; and a collection of proceedings relating to the boundary line between Virginia and Carolina, 1710. The October number contains the narrative of Bacon's Rebellion drawn up by the royal commissioners, Berry and Moryson.

The Virginia State Society of the Cincinnati has printed (Richmond, J. W. Randolph Company, 118 pp.) a volume containing the proceedings of the Society from 1783 to its disbanding in 1824.

James F. Meegan of Atlanta, Ga., has issued a limited edition (250 copies) of Charlton's *Life of Major-General James Jackson*, an important and rare book of Georgia history.

Joutel's *Journal of the Last Voyage of La Salle*, originally published in London in 1714, is to be issued in reprint as the first book put forth by the Caxton Club, organized in Chicago in 1895. The volume has been edited and annotated by Melville B. Anderson of the Leland Stanford University.

The State Historical Society of Wisconsin will shortly issue a catalogue of its bound newspaper files, arranged geographically and in chronological order by decades, enriched by historical notes. An alphabetical index of editors and publishers will be added.



No. 6 of the *Parkman Club Publications* is an interesting narrative of negro slavery in Wisconsin, by Mr. John Nelson Davidson.

Mr. Benjamin F. Shambaugh of the State University of Iowa continues his useful series of *Documentary Material relating to the History of Iowa*, published by the State Historical Society. No. 5 contains, with annotations, the acts of Congress relating to the territory of Iowa and its admission into the Union. No. 6 presents the documentary history of the early propositions for a constitutional convention and of the abortive constitution of 1844. No. 7 gives the constitution of 1846 and other documents related thereto.

In the July number of the *Annals of Iowa* the leading article is one by Hon. Theodore S. Parvin on General Robert Lucas, first governor of the Iowa Territory.

A movement has been undertaken in Halifax toward organizing the celebration of the landing of Cabot upon this continent in 1497. The celebration will be connected with the meeting of the Royal Society of Canada, which is to take place in Halifax on June 24, 1897.

Rev. Dr. C. H. Mockridge, canon of St. Alban's Cathedral, Toronto, has published a work entitled *The Bishops of the Church of England in Canada and Newfoundland, being an Illustrated Historical Sketch of the Church of England in Canada, as traced through her Episcopate*.

Noteworthy articles in periodicals: C. de Charencey, *L'Historien Sahagun et les Migrations Mexicaines* (Muséon, 1896, 2); C. W. Macfarlane, *Pennsylvania Paper Currency* (Annals of the American Academy of Political Science, July); *The Frontier Forts of Pennsylvania* (Pennsylvania Magazine, July); J. W. Jordan, *The Military Hospitals at Bethlehem and Lititz during the Revolution* (ibid.); W. C. Ford, *Defences of Philadelphia in 1777*, continued (ibid.); W. S. Baker, *Washington after the Revolution, 1784-1799*, continued (ibid.); P. L. Ford, *Lord Howe's Commission to Pacify the Colonies* (Atlantic Monthly, June); Woodrow Wilson, *General Washington* (Harper's Magazine, July); Woodrow Wilson, *First in Peace* (Harper's Magazine, September); P. Barré, *La Formation Territoriale et les Litiges des Frontières des États Américains*, II. (Revue de Géographie, April); J. B. Henneman, *Tennessee History by Tennesseans* (Sewanee Review, August); F. A. Churchill, *McClellan's Peninsular Campaign* (United Service, August), a critique of Mr. Rhodes's article in the April number of this REVIEW.

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Mr. TALCOTT WILLIAMS asks us to point out that whereas, by regrettable error, his review of Professor Edwin A. Grosvenor's "Constantinople" implied the absence of a list of Byzantine emperors and Turkish sultans, the book in fact contains such a list; and that the Byzantine list in particular represents careful research and is a highly useful addition to the equipment of study in this field.

The  
American Historical Review

BOON-SERVICES ON THE ESTATES OF RAMSEY  
ABBEY

BOON-SERVICES form so peculiar and interesting a part of the prædial life of the English villenage that a detailed examination of such services upon the more important English manors will, it seems probable, help to explain some of the social problems now troubling students of economic history. Since facts are at present more needed than conclusions, it is the object of this paper to gather together the information furnished by the printed records of the abbey of Ramsey, information to be considered fairly representative of the manorial life of east central England.

The abbey of Ramsey, founded in the time of King Eadgar, and continuing down to the general dissolution of the monasteries, was one of a group of important religious houses in eastern England, of which the more famous were Ely, Thorney, Peterborough, Crowland and, more distant, Bury St. Edmund's. The historian<sup>1</sup> of the abbey, writing shortly after the Conquest, describes the pleasant situation of the monastery in the fen country of eastern Huntingdon, and the rapid increase of the lands under its hand. By the thirteenth century the abbey's estates in Huntingdon and Cambridge, in Norfolk, Suffolk, Hertford, Bedford, Northampton and Lincoln included in all some fifty or sixty manors.<sup>2</sup>

The chartulary<sup>3</sup> of the abbey, the third volume of which appeared in 1893, contains valuable extents or customaries—inquisi-

<sup>1</sup> Gale, *Hist. Script. XV.*, p. 385.

<sup>2</sup> The most important estates were distributed as follows: in Huntingdon, 24; in Cambridge, 11; in Norfolk, 8; in Suffolk, 1; in Hertford, 1; in Bedford, 2; in Northampton, 6; in Lincoln, 2.

<sup>3</sup> *Cartularium Monasterii de Rameseia*, edited without introduction by W. H. Hart and P. A. Lyons, published in the *Rolls Series*, Vol. I. 1884; Vol. II. 1886; Vol. III. 1893.

tions into the services and customs of the tenantry—the most complete dating from the second half of the thirteenth century. Since these customaries deal with manorial estates in eight shires, scattered thus over a considerable extent of territory, the evidence furnished by them becomes of more than merely local interest. An examination of their contents makes it clear that although in its essential characteristics life on a Ramsey manor did not differ from life on a manor of the same period elsewhere, yet in matters of detail there were sometimes interesting variations. It is hoped, therefore, that a study of the boon-services, the descriptions of which are especially detailed, may be of value.

It is well known that the great burden of the labor of an estate fell on the *virgatarii*, or villeins proper. This was due to the fact that the services of the wealthier tenants—the *libere feudati* and *censuarii*—had been largely commuted, and that the services of the minor tenants—*cotarii* and *croftmanni*—were small in amount. It is, therefore, to be expected that the larger part of the customaries should be taken up with descriptions of the villeins' obligations. Beside certain small payments in money and kind, these obligations were of prædial labor and consisted of week-work and boon-services.

Briefly stated, the week-work was as follows: every villein worked on the lord's demesne, or performed some services connected with the demesne, on at least two, usually three or four days weekly throughout the year. One of these days, usually Friday, was devoted to ploughing. In mid-winter and sometimes during the weeding, haying and harvest seasons other work was substituted on the ploughing days. On feast days all work was omitted, but another day was usually required to pay for the day thus lost. Beside ploughing, a villein's work consisted of harrowing and threshing in the proper seasons, of carting, of gathering thorns and rods in the woods and marshes for enclosures, of digging ditches, and sometimes of washing and shearing the sheep and guarding the sheep-fold. Toward the end of May and beginning of June fell the weeding of the corn, later in June the haying. The pressure of work being heavy at these periods, extra days in the week were often required by the lord; again during harvest, the busiest season of the year, the week-work in most cases was largely increased.

Where the week-work alone was not sufficient to cultivate the demesne it was supplemented with the boon-works or *precariae*. References to boon-services occur in almost all the Ramsey extents of the thirteenth century. In their essential characteristics such

services were alike on the different manors. In all cases the most important boons were of two kinds, those required at certain periods in the year to complete the ploughing of the demesne, and those required at harvest time to reap and gather in the crops. The descriptions of the harvest-boons are full and exact. The boon-ploughings, on the other hand, are referred to as a rule in a very cursory manner, so that it is difficult to define them with certainty. An examination of the existing material gives the following results :

*Boon-ploughings (precariæ carucarum).* The boon-ploughings are mentioned in the customaries not as merely incidental services to occur only if the week-work chance to be insufficient, but as necessary and fixed aids to the ploughing of the demesne. It is usually stated that the demesne of the abbot requires for its cultivation its own ploughs, the customary ploughing of the villata (*i. e.*, the weekly ploughing) and boon-ploughings.<sup>1</sup> The number of such boons varied on different manors, being left in some cases to the will of the lord.<sup>2</sup> As a rule, however, the tenant ploughed a certain number of acres or rods, or it may be during a certain number of days, three times a year. The first of these special ploughings fell in early winter, *ab hybernagium* or *in hyemale*; the second in early spring, *ad tramesiam*, and the third in summer, *ad warrectum*.<sup>3</sup> In one instance the periods of the ploughings are more accurately defined; a villein was to plough about the time of the feast of Saint Martin (November 11), about mid-Lent and about the time of the feast of Saint John Baptist (June 24 or perhaps August 29). The ploughings were called lovebones.<sup>4</sup> On the manor of Aylington the periods of the ploughing are a little different. Both the *Hundred Rolls* and the *Chartulary* mention on this estate a boon-ploughing about Christmas time as well as the one in November.<sup>5</sup> The winter ploughing about Martinmas took place at

<sup>1</sup> I. 331: "Dominicum Abbatis de Broughtone . . . cum consuetudinibus villæ, et duabus precariis carucarum vel tribus, possunt quatuor carucæ sufficienter lucrari." For similar statements see I. 282, 304, 353, etc.

<sup>2</sup> I. 324: "Precariam carucarum faciet, quotiens sibi præcipiatur, ad diem domini in septimana, ad cibum domini."

<sup>3</sup> I. 441: "Arabit ter per annum, . . . scilicet in hyeme, Quadragesima et æstate in quolibet tempore seminis." II. 11: "Arat tres lovebones et unam ad hybernagium, aliam ad tramesium, tertiam ad warrectum."

<sup>4</sup> I. 50: "et debet tres aruras per annum, videlicet, circa festum Sancti Martini, et circa mediam Quadragesimam, et circa festum Sancti Johannis Baptistæ, et vocantur love, bones."

<sup>5</sup> I. 488: "Tota villata . . . facient precarias cum caruca circa festum Sancti Michaelis ad cibum domini. Et si dominus opus habuerit, aliam precariam contra Natale." *Rot. Hund.*, II. 657: "Veniet ad tres precarias carucarum si dominus voluerit, semel post festum Sancti Michaelis, secundum qua Natale, tertio post Pascham ad cibum domini."

the sowing of wheat (*frumentum*), the ploughing *ad tramesiam* in the spring, at the sowing of barley and oats; the ploughing *ad warrectum* may have been a stirring of the field ploughed in the spring and left fallow.<sup>1</sup> If the three-field system prevailed, there would be, then, one field sown in early winter with wheat to be reaped in the fall, a second field sown in the spring with barley and oats to be reaped in the fall, and a third field lying in fallow.

There seems to have been a widespread custom on the manorial estates that the tenant sow with his own seed whatever he ploughed *ad hybernagium*. At the Lent-ploughing, on the other hand, he sowed with the lord's seed.<sup>2</sup> The seed furnished by the tenant himself was called *benesed*,<sup>3</sup> and in one case would seem to have been paid for by a sheaf of corn—as much as could be tied with one strand—given him the next harvest from the land he had ploughed and sown the preceding fall.<sup>4</sup>

It is difficult to determine to what extent the lord at the boon-ploughings observed the custom, universal at the harvest-boons, of providing food for the workers. Most of the customaries, in their scant descriptions of boon-ploughings, pass over the matter in silence. In the few cases where it is mentioned the lord usually provided the food.<sup>5</sup>

Very little more can be gathered from the customaries concerning the boon-ploughings. Of the second kind of boon-services, the harvest-boons, however, the descriptions are detailed and full.

<sup>1</sup> I. 296: . . . "et arabit etiam per annum, scilicet ad semen frumenti unam acram, ad semen hordei unam acram, et tempore warrecti unam acram." See also I. 343, 346.

<sup>2</sup> I. 384: . . . Arabit unam rodam hybernagium et seminabit frumento proprio; arabit etiam ad tramesiam unam rodam ad avenam, et seminabit illam avena domini." See also III. 276: "Et in hieme . . . arat unam rodam, et seminabit illam cum semine suo: et in Quadragesima similiter, unam rodam sine semine."

<sup>3</sup> I. 461: "In tempore vero hyemali de consuetudine arabit unam rodam, et proprio semine, quod dicitur benesed, seminabit."

<sup>4</sup> I. 399: "Ad hybernagium seminabunt duo terram tenentes unam rodam de frumento proprio, et habebunt singuli eorum in autumnno sequenti unam garbam de eodem frumento, quantum poterit ligare uno ligamine, pro suo semine."

<sup>5</sup> For exceptions see I. 441: "Arabit ter per annum . . . in hyeme, Quadragesima, et aestate . . . ad cibum proprium." I. 475: "Quælibet caruca arabit ad cibum proprium unum sellionem . . . ad hybernagium . . . et vocabitur beneerthe."

In a few cases the amount and kind of food furnished by the lord is specified. In Brancester, for instance (I. 415): "ad hybernagium . . . habebit quælibet caruca pro singulis aruris tres panes debite quantitatis et decem allecia. Ad tramesiam . . . sicut ad hybernagium." In Houghton (I. 366) the villeins ploughed "ad cibum domini, et si eos non pascat, non arabunt." The tenants received, in this case, three farthings for each day's ploughing *ad tramesiam* and *ad warrectum*. In Ringsted a villein ploughing after All Saints received pasture in the croft until the middle of the following March. I. 406: "Faciet unam aruram una die post festum Omnium Sanctorum, cum quot capitibus habet in caruca, et pro illa habebit pasturam in crofta, ita tamen quod custodiat averia sua a damno domini usque ad medietatem Martii." This would seem to correspond to the *graserth* ploughings of other chartularies.

*Harvest-Boons (precariae autumnii).* The harvest began about the first of August and lasted on into September. During this time all the crops on the demesne were to be cut, stacked, carried to the manor-house and stored in the grange. To meet the pressure of work as far as might be, it was the custom on many manors largely to increase the week-work. Where during the rest of the year the villein had worked perhaps three days in the week, during the harvesting he worked five days or, it may be, every day but Sunday<sup>1</sup>. Not only was the number of his days increased, but also the number of men he furnished to work on those days. If during the rest of the year he had worked alone or furnished a man to work in his place, during harvest he furnished two or more men. On one manor he worked every day in the week with one man, or every other day with two men.<sup>2</sup> In many cases reaping was substituted for his weekly ploughing. In the face of this large amount of work for the lord it is difficult to see how a villein's own harvesting was accomplished. References to such harvesting are rare; such as there are, however, go to show that there were a number of working men in every household not all of whom would be required by the lord. On the manor of Hemmingford<sup>3</sup> all the men of the villa were required to aid the *firmarius* with his harvest, but not until they had finished their own reaping. Again on the same manor a tenant went to the *precariae* with all that reaped on his own land.

A simple increase in the week-work, however, was not sufficient for the reaping. As in the case of the ploughing, so also in the harvesting the lord depended largely on special services. In autumn the days on which such services were rendered were called *bene-*, or *boon-days*. The number of these days, although occasionally left to the will and discretion of the lord, was usually fixed for every manor. In the large number of cases three such days, or two and a third if necessary, were appointed; sometimes as many as four might be required.<sup>4</sup> The time of the occurrence of such services would depend upon the ripeness of the grain and the state of the weather. An advantage of boon-services over week-work was that the days for boon-services were not irrevocably fixed, but could be appointed when it seemed best to the lord. In one customary the

<sup>1</sup> See, for instance, on the manor of S. Ives, I. 288; Warboys, I. 310; Broughton, I. 335; Upwood, I. 345; Barton, I. 475.

<sup>2</sup> I. 299: ". . . a Gula Augusti, quolibet altero die hebdomadae, quam[diu] messis durabit, inveniet duos homines, vel quolibet altero die septimo pro voluntate domini inveniet unum hominem, excepto Sabbato."

<sup>3</sup> III. 311: "Et si homines villae citius compleverint messionem suam quam firmarius, omnes venient et adjuvabunt eum cotidie."

<sup>4</sup> I. 56: ". . . "debet quatuor precarias in autumnno, vel plus ad voluntatem domini." See also I. 311, 377.

times at which they would best occur are stated.<sup>1</sup> The first was to fall, if possible, in the third week of harvest, that is, usually, the third week in August; the second in the fourth week; and the third in the fifth week. Of these the first, or "great *precaria*," was the most important. The villein furnished more men to it than to the others,<sup>2</sup> and in many cases it was the only *precaria* attended by the wealthier tenants, the *censuarii*. On the manor of Houghton all in the vill that could work except the free went to the first *precaria*, to the second and third all that held lands, with all the efficient members of their families except their wives.<sup>3</sup>

Since the greater part of the labor of the harvest-boons fell on the villein, the customaries describe in detail his duties on these occasions. He went to the fields himself with all his family except his wife or some one who stayed at home to guard the house. If he were ill he might stay at home and his wife with him to tend him, or it might be that she went to the fields in his place.<sup>4</sup> In one case he stayed at home himself if he furnished four men to work.<sup>5</sup>

That the lord furnished food to the workers at the harvest *precariæ* has been already stated. In many of the extents there are full descriptions of the food thus received by the villeins, its kind and the quantity prescribed. It was distributed according to a set system, the kind of food varying regularly on different boon-days. As a rule, but one meal a day was provided, "nonemetes," but there are occasional references to food received at vespers also.<sup>6</sup> At the first *precaria* bread, cheese, smoked, fresh or salted meat, ale and *potagium*, a kind of drink made principally of beans and peas, were distributed to the workers; at the second, bread, cheese and fish, usually herring. On several manors (Hemmingford, Stukeley and Barton) meat was received at the second *precaria* as well as at the first. On

<sup>1</sup> I. 463: "In tertia septimana . . . in qua, si commode possit fieri, erit magna precaria messis. In quarta hebdomada . . . erit secunda precaria . . . in quinta septimana . . . in qua, si necesse fuerit, poterit esse una precaria."

<sup>2</sup> I. 447: . . . "veniet ad magnam precariam cum tota familia, quæ potest operari. Ad secundum inveniet duos homines. Ad tertiam unum hominem."

<sup>3</sup> I. 367: "Præterea, si firmarius facere voluerit tres precarias in autumnno, ad primam illarum venient quotquot sunt in villa, qui operari poterunt, præter liberos (tenentes?), ad illam; etiam et ad duas alias veniet quilibet terram tenens, cum tota familia quæ operari potest, præter uxorem."

<sup>4</sup> I. 336: "Ad omnes etiam precarias autumnni veniet ipse vel uxor ejus, cum tot operariis quot habet; et si minus quam tres operarios habeat, alter eorum operabitur, et si plures, deferet virgam ultra suos operarios et non uxor; et si ipse infirmetur, uxor ejus domi remanebit ad ipsum custodiendum; et nihilominus omnes operarios mittet ad precariam."

<sup>5</sup> I. 300:—"Et sciendum, quod quotiens invenit quatuor homines, bene licet ei domui remanere, si voluerit."

<sup>6</sup> I. 405: "Ad vesperam habebit duos billinges et caseum, vel duo allecia."  
I. 414: "habebunt singuli ad vesperam duos panes, et duo allecia, vel caseum."

the third boon-day the same food was distributed as on the first, and on the fourth, if there were a fourth, the same as on the second.<sup>1</sup> The food was graduated according to this system on almost all the manors, the most striking exception being at Barnwell, in Norfolk, where at the first *precaria*, or "bedryp" as it was called there, bread, fish and water were received, at the second bread, meat and ale.<sup>2</sup>

*Extra Boon-Services.* The food provided at the harvest *precaria* would seem in origin to represent the thanks of the lord for the special services performed by the tenants at his request. By the thirteenth century, however, the giving of food had become an obligation to which the lord was as much bound as were the tenants to the rendering of boon-services. This transformation of a voluntary gift into an obligation gave rise to a new group of boon-services by means of which, it would seem, the lord endeavored to recompense himself for the food he gave to the tenants. In the Ramsey extents of the thirteenth century there is frequent reference to extra days of service demanded as a return for the food given at the regular harvest *precaria*. There is no evidence to show that they were demanded after the boon-ploughings, perhaps because the food received at those times was a less considerable factor and bore less heavily as an obligation upon the lord. These extra services are called in most of the extents *lovebones*. The term lovebone is not limited to extra services of this kind, but is applied to any service, outside the regular work, performed at the need and demand of the lord. It is worthy of note, however, that, although regularly given to the boon-ploughings, it is never used for the harvest *precaria*. The lovebone after the harvest *precaria* fell, as a rule, on the morrow of the first boon-day, but occasionally it was rendered at the worker's own pleasure.<sup>3</sup> The service was avowedly to pay for the food received at the *precaria*. On such occasions the villein providing his own food worked in person or furnished a man to work to pay for the food received from the lord on the preceding day.<sup>4</sup> In St. Ives if

<sup>1</sup> I. 300: "Veniet etiam ad primam precariam in autumnno cum quatuor hominibus, et habebunt panem, servisiā, potagium, carnem et caseum; et duo homines habebunt tres panes ita quod quantitas panis unius duobus ad prandium sufficiat; et panis erit de frumento et siligine, ita quod major pars sit frumentum. Veniet autem ad secundam precariam, sicuti ad primam, quæ erit ad panem, potagium, aquam, allecia et caseum; . . . Ad tertiam autem precariam veniet sicuti ad primam, si dominus voluerit; ad quam habebunt in omnibus sicut ad primam." See also I. 337, 324.

<sup>2</sup> I. 49: . . . "primum bederipe cum pane, allece et aqua; et alium bene faciet sine cibo, et alium bederipe, si placet domino; sed secundum bederipe cum pane, carne et cervisia; et inveniet sibi et familiæ suæ unum ciphum ad potandum dum comedit, et feret secum domui suæ plenum ciphum suum de cervisia, quamvis sit de una lagena . . ."

<sup>3</sup> I. 399: . . . "et ad diem proprium mittet quilibet unum hominem ad metendum, ad reddendum cibum precariæ."

<sup>4</sup> I. 300: "Et inveniet unum hominem in crastinum ad reddendum cibum diei præcedentis." See also I. 289, 311, 368, 395, 395.



the *precaria* fell before the first of August, the villein worked on the morrow with one man; if after the first of August, he worked with two men;<sup>1</sup> in most cases, however, only one man had to be provided. All the villata, except in most cases the *libere feudati*, were liable to such lovebones. Thus in Barton each man that had a house opening on the street furnished a worker to the lovebone whether he held by money rent or by labor.<sup>2</sup> *Censuarii* often worked after the first *precaria* only, whereas in many cases the villein worked after all.<sup>3</sup> Reaping<sup>4</sup> was the usual service performed at a lovebone of this kind; occasionally a "lovefother," or carrying service was rendered instead of, or as well as, the reaping. On the manor of Hemingford such carrying service was clearly rendered in return for meat and ale received at the *precaria*.<sup>5</sup>

These extra boon-services would seem, then, to witness to the increase and hardening of services in the thirteenth century. The boon-works first asked for, and then demanded, carried with them an obligation of food which in turn became burdensome to the lord. The original voluntary character of this obligation having been lost sight of, the lord apparently compensated himself for the food given by the imposition of new services, thus increasing the labors of the tenantry. This explanation would account for the fact that in Ramsey extents of a date earlier than the thirteenth century such harvest lovebones do not occur.

Although the boon-services thus far mentioned were the most extensive, there were others of minor importance and more or less sporadic occurrence. In the weeding and haying seasons, for instance, the villein performed sometimes slight boon-services instead of increasing his week-work, or it may be, in addition to such increase. For the lovebone at haying (*lovebone de falcatione*) the

<sup>1</sup> I. 289: "Et si ista precaria, ob maturitatem temporis, capiatur ante Gulam Augusti, quod aliquando accidit, in crastino illius precariæ operabitur cum uno homine in recompensatione prandii precariæ præcedentis, sine cibo; et si post Gulum Augusti eadem capiatur precaria, inveniet duos homines operantes eodem modo quo prius."

<sup>2</sup> I. 488: "Item quælibet domus, habens ostium apertum versus vicum, tam de malmannis quam de cotmannis et operariis, inveniet unum hominem ad lovebone, sine cibo domini." Professor Vinogradoff, *Villainage in Eng.*, p. 284, makes this passage refer to the regular harvest *precaria*. This seems improbable, however, for, as has been said, the term lovebone is never used for the harvest boon-days, and in no instance does a reaper work on a regular boon without receiving food from the lord.

<sup>3</sup> See I. 289, where the villein works one day after each of three *precaria*.

<sup>4</sup> The *thancalfaker*, the reaping of the half acre, mentioned by Professor Vinogradoff, *Villainage in Eng.*, p. 285, would seem to belong to such lovebone services.

<sup>5</sup> I. 385-6: "Veniet ad primam precariam . . . Inveniet ad diem proprium unum hominem ad metendum pro cibo precariæ; Carriabit etiam ad diem proprium unam correctatam bladi, quæ vocatur lovefother. Si dominus necesse habuerit facere secundam precariam, veniet ad illam . . . Et si habuerit carnem et cervisiam sicut ad primum, inveniet unum hominem, et faciet lovefother, sicut ad primam."

villein usually received some compensation, in most cases twelve pence from the Abbot's purse for "sythale" or "scotale," and as much grass as he could lift on his scythe without bending the scythe to the ground or breaking it.<sup>1</sup> The customaries refer to boons or lovebones of harvesting, of carrying rods, threshing and planting beans.<sup>2</sup> Special ploughings are called "benerth"<sup>3</sup> or "wudobene,"<sup>4</sup> special reapings "beneryp."<sup>5</sup> Such services are called indifferently boon- or ben-services.

The boon-services, although falling most heavily on the villeins, were by no means confined to them. Cottars and croftmen also attended the *precaria*, going usually either alone or with one worker. *Censuarii*, too, all the rest of whose labor services had been commuted, had still to appear at the boons, in many cases at both the ploughing and the harvest boons. Some difference was made, however, between the *censuarius* and the ordinary villein. The villein at the harvest boons worked in the fields with his own hands, whereas the *censuarius* "bore a rod over the workers to admonish them that they should work well."<sup>6</sup> Usually too, the *censuarius* dined in the hall at the table of the *firmarius*, but the villein dined in the field with the other workmen.<sup>7</sup> A further distinction is sometimes found in cases, already mentioned, where the *censuarius* attended only the first *precaria*. Thus attendance at the boon-services was the last prædial labor of the *censuarius* to be commuted. Freeholders, the main characteristic of whose tenure was freedom from prædial obligation, did not of course as a rule appear. An occasional instance of their attendance occurs, however. On the manor of Upwood the holder of a free hide of the abbey, beside the usual services of a free-

<sup>1</sup> Most extents mention such customs at haying. See, for instance, I. 298, 307, 324, 460; II. 39; III. 65.

<sup>2</sup> III. 254: "Et herciat ad luebone duobus diebus, et portat virgas apud Sanctum Yvonem ad luebone una die; et purgat bladum una die ad luebone," etc.

<sup>3</sup> I. 475: "Qualibet caruca arabit ad cibum proprium unum sellionem. Et vocabitur beneerthe."

<sup>4</sup> I. 310: "In secunda septimana post festum Sancti Michaelis arabit dimidiam acram, quæ appellatur Wodebene." I. 487: "Qualibet virgata operaria arabit dimidiam acram in hyeme quod dicitur beene. Et in æstate aliam dimidiam acram, quod dicitur wudobene."

<sup>5</sup> I. 358: "Metet etiam duas rodas frumenti, quod dicitur beneryp, ligabit, et domi carriabit, sine cibo domini."

<sup>6</sup> I. 308: "... veniet ad omnes precarias autumnii, deferens virgam super operarios, eodem die in curia comesturus." I. 354: "Et veniet in propria persona, cum duobus hominibus suis operantibus, ad primam precariam in autumnio; et erit ultra operantes, ad monendum eos ut bene operentur." See also I. 336, 405; II. 47, etc.

<sup>7</sup> I. 368: "Ad singulas etiam istarum preciarum veniet tam Tancredus, quam heres Warini Blundi, cum tota familia sua, quæ operari potest, præter uxores, et ipsi deferent virgas suas super operarios. Familiae vero eorum operabuntur sicut et alii. Ipsi etiam comedent in aula cum firmario, familie vero eorum cum operariis aliis." Cf. I. 492.

holder, ploughed and was present himself or sent his bailiff or reeve to the first harvest *precaria* to see that his tenants worked well.<sup>1</sup>

That the *precariæ* should be the last rural service to be commuted is not surprising. Whereas, on account of its cumbersome nature, it was an advantage to both lord and tenant that the week-work be commuted, the lord would be reluctant to surrender services so important and convenient as the boons. The week-work could occur on stated days only; the boon-services on the other hand, within certain limits, could be demanded at the lord's discretion, and hence could be regulated by the weather and the condition of the crops. As a rule, the ploughing-boons seem to have been commuted before the harvest *precariæ*, for in many cases the tenant rendered only the harvest-boons.<sup>2</sup> A few instances occur, however, of attendances at the boon-ploughings where the harvest-boons are not mentioned.<sup>3</sup>

In connection with the question of commutation it is interesting to compare with the thirteenth century extents others of an earlier period also contained in the chartulary. These earlier customaries date from before the death of Henry I. and describe the conditions in the reign of that king. Though shorter and less detailed than the later customaries, they cover in the main the same manors and relate with considerable accuracy the services of the tenants. By an examination of the two sets of extents it is therefore possible to compare both the week-work and the *precariæ* on the same manor at an interval of about a hundred years. Mr. Seebohm, believing that the tenants on a manorial estate were originally serfs and that the lord could at one time demand from them unlimited labor, considers *precariæ* the "necessary corollary to the limitation of week-work." For, according to his theory, as the number of days on which a tenant worked for his lord became fixed by custom, the lord demanded special services to fill up the gap left by the decreasing week-work. The week-work and *precariæ* would thus stand to one another in inverse ratio, the one decreasing as the other increased. Would it not be expected, then, that in two series of extents for so large a number of manors as is described in the Ramsey chartulary there would appear a marked tendency towards increasing week-work? Such, however, is not the case; the tendency seems to

<sup>1</sup> I. 343: "Alexander . . . tenet unam hydam pro qua facit homagium Abbati et forinsecum servitium sicut aliæ hydæ liberæ in Abbatia . . . Duas aruras faciet . . . Et quilibet ejus tenentium inveniet unum hominem ad primam precariam autumnii, ad cibum domini; et ipse, vel ejus ballivus vel præpositus, erunt, ad illam precariam, custodes ad videndum quod bene operentur."

<sup>2</sup> I. 287, 308, 333, 492; III. 245.

<sup>3</sup> I. 334, 344.

have been rather in the opposite direction. For, notwithstanding the appearance of boon-services, the week-work not only did not increase, but in some cases decreased, and even where the number of days required in the week remained practically the same the kind and amount of service to be rendered on those days is in the later extents much more definitely stated. On the manor of Upwood, for instance, in the time of Henry I. the villein worked three days weekly from harvest to harvest, four days weekly with two men during harvest and went to no *precariæ*. In the thirteenth century, on the other hand, he worked four days weekly from harvest to haying, four days weekly during the haying season and four days weekly with two men during harvest and went also to boon-ploughings and harvest-boons.<sup>1</sup> Again, in Holywell in the time of King Henry the villein worked three days a week during the rest of the year and cut thirteen acres during harvest, attending no *precariæ*. In the thirteenth century he worked three days a week up to the haying, three whole days during the haying and a fourth day until he had cut one-half acre, and during harvest every other day with two men or every day with one man, attending also the boon-ploughings and the harvest-boons.<sup>2</sup> A comparison of the extents of other manors gives like results.<sup>3</sup>

<sup>1</sup> Compare III. 270 and I. 340 et seq.

<sup>2</sup> Compare III. 281 and I. 293 et seq.

<sup>3</sup> The following tabulation of the number of days of labor on a few important Ramsey manors may help to illustrate the difference in services for the two periods. The tabulation for the thirteenth century cannot be made very exact, because the extents of that period vary greatly in their division of the seasons of the working year.

Before 1135.			13th Century.			
	Week Work. Number of Days			Week Work. Number of Days		Precariæ.
	from Har- vest to Harvest.	in the Harvest Season.	from Har- vest to Haying.	in the Haying Season.	in the Harvest Season.	
Upwood . . .	3	4 with 2 men.	4	4	4 with 2 men.	In the thirteenth century the villeins on the manors selected went to all the precariæ.
Haliwell . .	3	Villein to cut 13 acres.	3	3 and part of a fourth.	Every other day with 2 men or every day with one man.	
Hemingford .	2	3	3 One week 5 next 3.	3	3 5	
S. Ives . . .	3	6				
Houghton . .	4	5	4	4	5	
Cranfeld . .	4	5	4	5	5	
Barton . .	3	3	3	3	5	
No Precariæ.						

NOTE.—In the earlier extents no haying season is mentioned.

Although the boon-services were greatly increased by the time of the later extents—in the time of King Henry I. such services being the exception, while in the thirteenth century they became almost universal<sup>1</sup>—nevertheless, since this increase was accompanied by no corresponding decrease in the week-work, it does not seem possible to consider one dependent upon the other. Rather, both would seem to show a decided increase in the liabilities of the villeins. Such an inference is strengthened by the fact that at the later period the autumn services were rendered still heavier by the lovebones imposed after the harvest *precaria*. Such lovebones, as has been said, are not mentioned in the extents of Henry I.'s time even when the *preces*, as the *precaria* are called, were required, and only one reference occurs in any extent before the second half of the thirteenth century.<sup>2</sup> In short, the tendency as shown in the later extents seems to have been toward a hardening and a more strict definition of all services still uncommuted, without any lessening in the amount of such services. It must be remembered, however, that although the two series of extents here considered are separated by a century, yet the earlier set does not go farther back than the reign of Henry I. The documents in the Chartulary dating from before that time throw but little light on the early social condition of the villein.

N. NEILSON.

<sup>1</sup>In the extents of the time of Henry I. harvest *preces* are mentioned on the following manors: Gravele, III. 278: "Et quamdiu messis durat, quatuor diebus operatur in hebdomada, et ad preces firmarii, cum tota familia sua, ad cibum domini venit;" Elsworth, III. 300; Cnapwell, III. 301; Weston, III. 312; Schilingdon, III. 308; Gretton, III. 314. In Burwell, III. 309, *preces* are implied: "Et a Capite Augusti usque ad Natale Sanctæ Mariæ operabitur quatuor diebus; Et præter hoc metet duas acres et tunc habebit cibum suum."

The boon-ploughings do not occur by name in the earlier extents, but in some cases such ploughings seem to have existed. III. 269: "Et, si firmarius rogaverit, ter arabunt ad cibum firmarii." III. 276: "Et in hieme . . . arat unam rodam et seminat illam cum semine suo, et in Quadragesima similiter, unam rodam sine semine." See also III. 259, 278, 279, 308, 311, 312.

<sup>2</sup>In an extent of Hemingford dating from the end of the twelfth century, II. 243: "Et ipse erit ad primas preces cum omni familia sua, excepta uxore; et crastina erit ad lovebone."

## THE CAHIERS OF 1789 AS AN EVIDENCE OF A COMPROMISE SPIRIT

IN the many works which have been written on the French Revolution, one of the conceptions which the historical student most frequently meets is that the whole movement was the result of an intense feeling of bitterness existing between the noble and peasant classes, due to the exemptions and privileges which the former enjoyed. It has been asserted that it was this hatred of the nobility which made the whole Third Estate stand as a unit for the meeting of the States-General in a single assembly, while the privileged orders were as strenuous in their insistence upon the preservation of the old forms, and that it was not until one of these sentiments obtained a distinct victory that there was any opportunity for settling parliamentary institutions. I shall endeavor to show by a somewhat careful analysis of the cahiers of the periods that the assumed unity of the several orders was by no means a fact, that from the beginning there was a strong feeling among the clergy and nobility favorable to compromise forms and that the peasantry were not unanimously against such a solution.<sup>1</sup>

Disregarding for the moment the customary grouping into nobility, clergy and Third Estate, the cahiers seem to justify a division of their authors into four classes: the reactionists, for whom the old methods of absolutism were sufficiently profitable; the mere complainants against the results of that system, who had nothing to offer as a substitute; the advocates of the radical school of democracy; and finally a section who wished reform in administration and were willing to attain it either by grafting new features upon the old régime or by abolishing it in its entirety, if only they could be persuaded that the proposed substitute would be both practical and permanent. It must also be remembered that the cahiers were not primarily voicings of the ideas on government prevalent in France at the time, but rather expressions of discontent with existing conditions. Thus the presence of a willingness to compromise is shown not so much by the proposals for new forms of government as by concessions to existing forms. Those cahiers which distinctly advocate views presumably opposed to the interests of

<sup>1</sup> It is by no means the purpose of this paper to present an exhaustive analysis of the cahiers on social and economic matters, but merely to consider them in so far as they relate to questions of the organization of the Assembly.

their class must be increased in number to get a true representation of the desire for harmony of which they are an evidence.

By the summoning of the States-General the government declared itself incapable of remedying existing conditions, calling upon the people for aid, and it was not until this declaration that plans for constructive legislation began to be hesitatingly advanced. Some of the petitions ask the king of his own good power to correct existing evils, while others turn to the Assembly for guidance. On one point alone are the people nearly unanimous; in the future financial affairs must be more ably conducted and the people consulted regarding taxation. Yet it is easy to infer too much from this. It was rather to cure the partiality with which the taxes had been assessed than to exercise any intrinsic right of saying how much should be levied that the States-General meant to assume control of taxation. Fully as much stress is laid on the provincial estates, whose duty this was, as upon the States-General. The fear of each order was that it would not be treated justly in the re-assessment.

It is for this reason that the cahiers divide on the question of vote by order or by head. Compromise methods of organization are suggested, and although but little attention is paid to these schemes, yet the mere fact that such suggestions are advanced and that the division on the question of voting does not correspond with the division into nobles and commoners so often made is surely of great importance in ascertaining whether or not there existed that radical feeling of hostility between the orders which would have prevented the acceptance of compromise measures had they been suggested by the king or some other recognized leader.

The cahiers of the Third Estate are more nearly unanimous than are those of the upper orders, especially insisting on vote by head until the questions of taxation are disposed of. There is, however, a noteworthy lack of expressions which would seem to imply any intention of doing away with the social privileges enjoyed by the nobility or of bringing either of the upper classes into a position of equality with the Third Estate. More frequently the king and the upper orders are assumed to be ignorant of the evils of the time and faith is expressed that, were they aware of the conditions, remedies would be effected. On the other hand, the majority of the cahiers of the nobility favor vote by order and the clergy incline in the same direction.<sup>1</sup>

<sup>1</sup> Typical demands may be found in the cahiers of the Third Estate of Poitou, the nobility of Bourgogne and the clergy of Blois. See also a pamphlet entitled, "*L'Aristocratie enchaînée par le Peuple et par le Roi*," where a single chamber is considered as working for the interests of the king against the nobles.

This statement of the general trend of the three orders must not be taken as the unanimous voice of each. In every case there were exceptions, and the character of the men elected as delegates often shows that there was not that feeling of unity in each order which we are led to expect. Thus the Third Estates of Mantes et Meulan and Villers-Cotterets ask for the old division into orders, and in many other cases vote by head, while considered desirable, is not insisted on.<sup>1</sup>

Among the upper estates exceptions are yet more common, as is but natural. The nobility was divided into two distinct classes, that of the sword and that of the robe. Among the former we find many liberal men who saw that the existing government in France was not a success and who earnestly desired something better, above all, men who had travelled,<sup>2</sup> and seen the workings of other constitutions. Moreover, the differences in wealth and conditions between the nobility and the Third Estate have often been exaggerated. The noblesse was not wealthy at the time of the Revolution. It "is being ruined and is wasting away day by day, while the middle classes are getting the large fortunes," wrote a noble as far back as 1755. They had sold their lands bit by bit to the peasants, retaining only the seignorial rights which often gave them the appearance rather than the reality of wealth. "A short period of abolition of technical rights and we shall have a new Society." An examination of their cahiers shows many of them controlled by the liberal wing, and we must assume that there were other assemblies in which the minority was large. One of the cahiers read as follows: "The votes should be by head and not by order, such a manner of proceeding being the only sensible one, and the only one tending to remove and destroy that egotism of caste which is the source of all our evils." Others would have this method of voting in regard to taxation alone, while others would postpone its operation to the next Assembly.<sup>3</sup> Of the dele-

<sup>1</sup>Le Tiers de Paris extra Muros, Bozas, Castelnaudary, Le Ponthieu and fifteen others distinctly provide for a change of view if it is considered advantageous. Le Maine asks for vote by order with the upper orders united. Of the total of delegates chosen there were: 15 nobles and high military officials, *i. e.*, nobility of the sword; 2 members of the parliaments; 150 minor officials, servants of the upper orders or of official establishments; 25-30 city and commune officials, maires, échevins, etc.; 210 lawyers, notaries, etc.; 75-80 shopkeepers, traders, etc.; 50 landowners; 40 ordinary laborers; 6-7 solely literary men. See *Liste par ordre alphabétique de Bailliages et Sénéchaussées de MM. les Députés aux États-Généraux*, Paris, 1789.

<sup>2</sup>See the list in Buckle, *History of Civilization*, I. 653-4; also the *Annual Register*, 1787, p. 4; Walpole, *Memoirs of George III.*, III. 107.

<sup>3</sup>There are about 150 cahiers of the nobles found in the *Archives Parlementaires*; of these 38 are absolutely opposed to vote by head; 20 seem opposed but do not forbid their representatives joining if this plan be adopted; 24 demand vote by head; 20 authorize it without restrictions; 37 are willing to resign themselves to it under various restrictions; 12 say nothing about the matter.



gates elected, the vast majority seem to have been noblemen of the sword as distinct from that of the robe, and nearly half to have been from the country.

Fully as noteworthy is the division among the clergy. As regards social questions, this order formed a miniature picture of all France. They are divided into two classes, the archbishops, bishops and higher ecclesiastics generally, drawn from the nobility and naturally sympathizing with them and the curés, who as logically sided with the commoners. This distinction is recognized in several of the cahiers, where two chambers are suggested, the clergy being divided. Among their petitions, then, we find less unanimity than in the case of either of the other orders,<sup>1</sup> while, owing to the large percentage of curés, it is probable that many of the doubtful cahiers may be taken as expressing a willingness to assent to compromise measures.

Thus among clergy and nobility there are many who distinctly sympathize with the peasantry, while among the latter there are many who wish a peaceful solution of the vexed question of organization, caring little for forms of government if only financial burdens may be equalized. The more we examine these lines of division the more evident it becomes that the terrible character of the French Revolution was not caused by the gradual accumulation of burdens upon the shoulders of the peasants, causing the gradual growth of a spirit of hostility between the several orders, but that there must have been somewhere a great lack of organizing ability, a dearth of the spirit of what we term practical politics, to allow such forces of moderation to have been wasted and a small minority of the dissatisfied sections to carry with them an Assembly the majority of which was composed of well-meaning delegates anxious to avail themselves of some practical way out of the difficulties which surrounded them.

C. H. LINCOLN.

Professor Stephens in his *History of the French Revolution* gives an incorrect idea of the position of the nobility on this question (I. 55), possibly taken from the *Histoire Parlementaire* or Loménie's *Les Mirabeau*, where a statement corresponding to this may be found.

<sup>1</sup>Of the 145 cahiers of the clergy, 9 seem to favor vote by head; 22 declare absolutely for vote by head; 33 declare absolutely for vote by order; 22 declare for vote by order with certain restrictions; 7 say they have a right to claim vote by order; 12 leave the matter to their own delegates; 40 make no mention of the method of voting. Of the persons elected, 205 seem to have been curés, 52 abbés or canons, 42 prelates, 7 monks, not including those clergy elected to represent other orders.

## THE CASE OF FROST vs. LEIGHTON.

THE subject of "Appeals from Colonial Courts to the King in Council" was treated fully in a paper communicated to the American Historical Association at the meeting held in Washington, December, 1894. The writer of that paper qualifies his title by adding the words "with special reference to Rhode Island." Whatever may be found in the records of our courts, whether in Rhode Island or elsewhere, which will throw light upon contemporaneous views of the courts as to their powers to interpret colonial charters will be welcomed by students of constitutional law. Questions which would compel the exercise of these powers might arise when the appellate jurisdiction of the Privy Council was invoked. There were doubtless many of these cases in which points of this kind were discussed, the records of which would prove of interest to-day if we could see them, but with the exception of a few of the more prominent of them, such for instance as the famous case of *Winthrop vs. Lechmere*, we know but little about cases of this class. When the Supreme Court of the United States reached the conclusion in *Marbury vs. Madison* that Congress had no power to pass the act which conferred upon that Court authority to issue writs of mandamus, it was confronted with the fact that there was no precedent in English jurisprudence for declaring null and void an act which had received the sanction of the law-making powers of the government. There was, however, in the records of the Superior Court of Judicature of the Massachusetts Bay,<sup>1</sup> a decision rendered in 1738 and repeated in 1739, in which the court refused to enforce an order issued by His Majesty in Council, because the powers of the court derived through the charter and the laws passed to carry the same into effect, were in the judgment of the court inadequate for that purpose. An analysis of the two cases will disclose a certain parallelism. The Supreme Court of the United States, interpreting the Constitution, the source of its authority, declared that it could not in the exercise of original jurisdiction issue writs of mandamus, notwithstanding the action of Congress, because no such power was conferred upon the court by that instrument. The Superior Court of Judicature, interpreting in a similar way the Province Charter, and the laws through

<sup>1</sup> Mr. William P. Upham, who is employed in arranging the early Suffolk files, called my attention to the importance of this case.

which they derived their powers, asserted, that notwithstanding the explicit instructions received from His Majesty in Council, they were unable to carry out the royal order, because adequate powers were not conferred upon the court. The circumstances under which this important stand was taken by the Superior Court of Judicature were as follows :

In 1730 a license was granted by the Crown to Ralph Gulston, a London merchant, to enter upon any lands in Maine, the title of which stood in the Crown on October 7, 1691, and to cut down and remove a sufficient number of the trees reserved for the Crown then standing there, to enable him to carry out a certain contract for supplying the royal navy with masts and spars, into which the said Gulston had entered. The right to enter upon the lands in Maine and to cut down trees which was thus granted to Gulston was derived from the charter of William and Mary, in which all trees then standing upon public lands which were two feet in diameter, at the height of twelve inches from the ground, were reserved for the Crown. Before entering upon any lands Gulston was compelled to satisfy himself that the title was in the Crown October 7, 1691, and before cutting any trees he must be prepared to show that they were of the required size at that date. These were questions of fact which were likely to arise in case of litigation in connection with the exercise of the license. The title to the land could readily be proved by the records. The opinion of the Surveyor-General of His Majesty's Woods on the continent of America, after he had "viewed and allowed" the trees which it was proposed to fell, was probably acceptable evidence upon the question of the size of the tree at the time of the grant of the Charter.

Gulston was known in London as a Turkey merchant and was a member of a distinguished family, which traces its pedigree from Sir Ralph Gulston, knighted on the field of Cressy by the Black Prince. One of the descendants, bearing the same name, made a noted art collection which finds mention in works devoted to the history of London. The grandfather of the Turkey merchant was Dean of Chichester, chaplain and almoner of Charles I., and was present with Charles at the time of his execution. The fact that Gulston could secure a contract for furnishing masts and spars to the royal navy is evidence of his influence at court. It does not appear that he came to this country, but the statement is made that he was represented in Boston by Samuel Waldo, who, acting in his behalf, employed William Leighton, of Kittery, to attend to the cutting and loading of the masts under the contract.

In furtherance of this object, Leighton, in the winter of 1733-

1734, organized a gang of choppers and established a logging camp in some woods situated on a farm in Berwick, known as the Caroline farm, the title to which in 1734 was vested in John Frost, of Berwick, but in 1691, at the time when the charter was granted, was in the Crown. Before entering upon the work of cutting down the trees, Leighton procured the services of David Dunbar, Surveyor-General of His Majesty's Woods on the continent of America, to view and allow a certain number of trees, which trees Leighton then proceeded to fell and haul out for shipment. Thus far Leighton was not molested by the owner of the land; but in the spring Frost commenced a suit against him for trespass, the process being made returnable at the Inferior Court of Common Pleas, at the York term to be holden on the first Tuesday of April, 1734. The damages in this suit were laid at £200.

Leighton put in an appearance in the suit through William Shirley, a lawyer of ability, better known perhaps through the fact that he was afterwards for many years governor of the province of the Massachusetts Bay. Shirley in his pleadings admitted the cutting of the trees. He alleged, in bar of the plaintiff's right of action, that these acts were performed under the license granted to Gulston, and set forth in detail various points concerning the question of title and the viewing and allowing of the trees by the Surveyor-General, which if admitted by the plaintiff would have relieved the defendant of the charge of trespass and made the cutting of the trees a lawful act. Shirley evidently expected that the plaintiff would be compelled to join issue by replying or demurring to his plea.

The plaintiff neither replied nor demurred, but left the court to determine how the issue should be settled upon the pleadings as they stood. Shirley was of opinion that the failure of the plaintiff to reply or demur was, under the rules of pleading, an admission of the facts stated in his plea and bar, which statement of facts constituted in his judgment a perfect defence to the action. The court, however, entertained a different opinion, and called upon him to make some other plea. Confident in his legal position, and doubtless influenced by the further fact that by standing upon this point he avoided the submission of his case to a jury, Shirley refused to change his plea, whereupon the court awarded judgment for the plaintiff. The papers in the case do not indicate who represented the plaintiff at this stage of proceedings. Later on the name of Noah Emery appears, and it is probable that he conducted the case from beginning to end. Willis, in a note in his *History of Portland*, pp. 616-617, gives an account of a case in which Emery appeared for the plaintiff and Shirley for the defendant, for which he gives as

authority the "Judge Sewall MSS." From this account I quote the following extract :

"William Shirley, of Boston, afterwards Governor of Massachusetts, for the defendant, filed a special plea ; but as special pleading was rarely used in that day and by the practising attorneys of those times little understood, and much less by the Court, the plea was answered by some *ore tenus* observations by the plaintiff's counsel, and the cause went to trial 'somehow or other.' "

Notwithstanding the fact that Judge Sewall, in his description of the case of which he writes, states that the plaintiff was represented by Matthew Livermore, and further that at a later stage in the proceedings he introduces Mr. Auchmuty as counsel for the defendant, neither of whom appeared, so far as we know, in the case of *Frost vs. Leighton*, there can be but little doubt that he referred to the case which we are now considering. Whether this be so or not, the court before which Shirley made his plea in bar was the one of whose knowledge of special pleading the above estimate was made.

From the judgment in the Inferior Court, Shirley appealed to the Superior Court of Judicature. The case was heard in that court in June of the same year, and the judgment of the lower court was affirmed. The language of the court, stripped of technicalities, was that Shirley's plea contained statements of fact and that he ought to have so pleaded as to permit the case to be submitted to a jury.

Execution was promptly issued and the amount of the judgment with costs was collected from Leighton. Shirley then moved for an appeal to the Privy Council, but the court denied his right to do this. The charter conferred upon litigants the right to such appeals where the matter in difference exceeded the value of three hundred pounds. In this case the judgment was for one hundred and twenty-one pounds damage, and four pounds eighteen shillings costs of suit. The defendant was not entitled to an appeal and the court had no power to grant the motion. It did not follow from this that the Privy Council had no power to hear such an appeal, although such evidently was the opinion of the court. From an opinion of the counsel of the Board of Trade given in 1717, we learn that appeals under such circumstances had often been allowed by His Majesty.<sup>1</sup>

Nothing further could be done on this side of the Atlantic. Gulston was not, however, content to submit quietly to this conclu-

<sup>1</sup> Chalmers's *Opinions*, II. 177.

sion of the case. His next move was to invoke the aid of the Duke of Newcastle, who, on the 3d of October, 1734, wrote the governor of the province asking his assistance in the matter. Belcher replied on the 9th of December, stating that he was willing to do all that he could to prevent unjust and vexatious prosecutions of contractors, but that he was powerless to stop the course of the law.

The next step taken was to petition the Privy Council, in the name of Leighton, for a hearing. This petition was granted July 9, 1735. Having secured the right to be heard, Gulston, in the name of Leighton, then filed a petition for a reversal of the judgment in the province courts and for the restoration of the money which had been collected on execution. The matter was referred on the 30th of July, 1735, to the committee for hearing appeals, and on the 2d of April, 1736, they reported recommending by the consent of all parties, as they stated, that the judgments be reversed, that the money collected of Leighton be restored; that the appellant plead anew in the case, suggestions being made by the committee as to a new plea that would overcome the objections raised by the court to the former plea; that in the new trial the evidence be reduced to writing, and that in such trial either party have the right to appeal to the Privy Council. This report was approved by his Majesty in Council, April 29, 1736, and the royal order was issued that it be duly and punctually observed and complied with. The governor and all others whom it might concern were ordered to take notice and govern themselves accordingly.

This order was transmitted to the other side of the Atlantic, but arrived too late to be presented that year at the York session of the Superior Court of Judicature. During the interval between the decision of the court in 1734 and the receipt in Boston of the royal order in the summer of 1736 Shirley had retired from the case, and William Bollan, an attorney of high standing at the Massachusetts bar, had been employed as his successor. This transfer was undoubtedly of a friendly nature, as Bollan, who was an Englishman by birth, came to Boston in company with Shirley and married one of his daughters. It was evidently thought that it was a mere matter of form to present the royal order and that, by submitting it to the court on the first opportunity, the way would be cleared for reviving the case at the session of the Court of Common Pleas in York in the spring of 1737. With this intent, Bollan appeared before the Superior Court at the September term in Bristol and, after submitting the royal order, moved that execution be issued against Frost for the sum of £125, 18 s., and that the order be complied with and observed in all respects. The court caused the royal



order to be read publicly in court and directed the clerk to enter it upon the records, but deferred further consideration of it to the June sitting of the court at York, in 1737.

On the 22d of June, 1737, Bollan brought the matter up at York and renewed his motion. It is evident that the first intention of the court was to issue a summons to Frost to appear and show cause why he should not comply with the royal order. At any rate, there is a draft of an order of court to that effect entered upon the York docket for that term, which was subsequently crossed out, and a new order was entered that the subject-matter required the most mature consideration and the court would advise thereon until their next sitting. By the next sitting the next term at York was meant. This order therefore postponed the decision for another year.

On the 21st of June, 1738, the hearing upon the motion was renewed, and the court then decided that if the case should come before them a second time in the manner directed in the royal order they would endeavor to do what to justice should appertain, but as to issuing an order for an execution as prayed for, the court having considered the royal charter, together with the laws of the province and the constant usage and practice of the court, were of opinion that they had no authority to give such an order.

The royal order contained three clauses: 1. That both judgments should be reversed. 2. That the money should be restored. 3. That the appellant should be allowed to plead again, and the method suggested in the order was such as to avoid the objections raised to the former plea in the Inferior Court, which objections had been sustained by the Superior Court. In their decision the court made no mention of the first clause, which contained a specific instruction to the court. As to the second, they refused Bollan the only practicable means of enforcing that part of the order. It may, however, be said that no mention was made in the order of the method by which the money was to be restored. In saying, in response to that portion of the order contained in the third clause, that they would do what to justice should appertain if the case should come before them again as directed in the royal order, they were certainly disingenuous. It was impossible that the case should be revived until they should reverse their judgment and send down an order of reversal to the lower court, nor could this well be done so long as the execution in the case stood satisfied of record. The effect of this decision was as conclusive as if the court had said: We positively refuse to obey the royal order. Nearly two years had elapsed since the arrival of the order in this country. Nothing more could be hoped for by Leighton from the courts. Application was,

therefore, made by Bollan to the governor for redress. The petition to the governor recited the various events which had taken place, and was accompanied by the original royal order. In this petition Bollan purposely omitted mention of the council. This body was chosen by the assembly. The reservation of the trees in the New England forests for the royal navy caused much disturbance in the minds of those who owned property the value of which was likely to be affected by the exercise by the Crown of the right of cutting this timber. Complaint upon the subject had become chronic and the subject had aroused discussion. An appointee of the Crown, like the governor, might be expected to sustain the rights of the Crown. Officers elected by the assembly could not be relied upon to assume an attitude in this regard which would be in opposition to the popular feeling. Belcher relieved himself of the responsibility which Bollan sought to impose upon him by referring the matter to the council. On the 14th of September, 1738, that body considered the petition and said that, inasmuch as Leighton had sought a remedy in the courts and had made no application to his Excellency till after the proceedings in the Superior Court, they were of the opinion that it was not proper for his Excellency to do anything in the affair. This decision of the council having been reduced to writing, Belcher on the same day endorsed upon the document a statement that the advice of the council was agreeable to his own sentiments and that he was prevented from doing any service in the affair.

Again the suit was transferred across the ocean, and again the power of the Privy Council was invoked by the contractor to protect his own interests and the rights of the Crown in the forests of New England. A second petition was presented to the council on the 21st of December, 1738, in which there was a prayer for relief and that the order formerly issued by His Majesty in Council might be enforced. All the proceedings which had taken place at the former hearing were recapitulated, and the petitioner set forth the court's delays, the governor's evasion of responsibility, and his own injury, and in forcible language called attention to the damage thereby caused to the authority of the Crown.

The committee to which the consideration of the petition was referred, after having heard counsel in behalf of the petitioner and of the governor, the Council and the Superior Court of Judicature of the Massachusetts Bay, reported that the royal order had not been carried into execution either in whole or in part. The registers of the Privy Council show that there was a report and order February 23, 1738, and a further order March 22, 1738. These are old-style dates, and the year should be 1739, to correspond with



our present system of notation. The second date agrees with the date of the issue of a second royal order, based upon the report of this committee. This order was in substance as follows: 1. That the former order be forthwith and without delay carried into execution. 2. That John Frost do immediately restore to petitioner the money recovered on execution. 3. In case he should refuse to do so, that the Superior Court do take steps to compel him thereto. 4. That the petitioner withdraw his former plea in the Inferior Court and plead in general issue not guilty. 5. The Inferior Court and the Superior Court of Judicature in the province are required to pay due obedience to the former order and likewise to the present order. They are also required to cause this order to be recorded and if they failed to record the former order they are also to have that entered of record.

The second royal order was forwarded to Massachusetts, and Bollan proceeded to lay the foundations for new proceedings before the courts by making a demand upon Frost on the fifth of June for the restoration of the money which had been collected from Leighton on execution and by causing the royal order to be shown to him. Frost refused to pay the money or any part thereof. Bollan then submitted the second order to the inspection of the governor and presented a petition in behalf of Leighton, in which he recited the facts connected with the issue by His Majesty in Council of this order. He alleged that he had shown this order to Frost and demanded the restitution of the money, but Frost had declined to do anything about it. He asserted that it was his intention to appear before the Superior Court at York in June and move for an execution against Frost, so that he might be compelled to restore the money according to the order; and that, at the July term of the Inferior Court of Common Pleas at York, he should move to withdraw his former plea and plead anew according to the order. He should also move to have the orders recorded. He prayed the governor to support His Majesty's authority in the premises and cause His Majesty's aforesaid Order in Council to be without delay and punctually complied with. This petition was received June 11 and was referred to the council June 15. The council voted to recommend the courts, when the application of Leighton and the royal order should be laid before them, to proceed thereon without delay and do that which to law and justice should appertain. The royal order and this answer to the petition were delivered to Bollan the next day.

On the 21st of June the royal order was produced and read in the Superior Court of Judicature, then sitting at York. The clerk made the following endorsement thereon:

“His Ma<sup>ty</sup> Second Order in Councill, on the Petition of W<sup>m</sup> Leighton complaining of the high contempt and disobedience shewn by Gov<sup>r</sup> Belcher to his Ma<sup>ty</sup> former order in Councill. This Ord<sup>r</sup> being produced by Mr Bollan was Read in Court June 21<sup>st</sup> 1739.

Att<sup>y</sup> S Tyley Clerk.”

The grim humor of this endorsement shows that, even amid the perplexities with which the court was surrounded, there were those who enjoyed the fact that the royal governor of the province shared with the court the embarrassment of the situation.

Bollan presented to the court a memorial and petition founded upon the royal order, praying for an execution against Frost in order that he might, according to the royal order, be compelled to restore the money which had been collected from Leighton on execution. This document is missing from the files, but is described in the opinion of the court. A written answer to this petition was filed by Frost through Noah Emery, his attorney. He objected in the most humble manner to the granting of the motion made by Mr. William Bollan, attorney to the said Leighton, and humbly prayed that nothing in his reasons or objections might be taken as any contempt of His Majesty's royal authority or as wilful disobedience to any of his royal orders, which he was and always had been ready to obey in all things lawful and right as far as he understood them. He would at all times endeavor to do and perform his duty to the King's most excellent Majesty. For reasons why the court ought not to grant the execution he most humbly begged to show that by the charter the General Court of the province had power to establish laws and to constitute courts for trying all manner of causes arising or happening within the province. In personal actions where the matter in difference exceeded the value of three hundred pounds sterling, the party aggrieved by the judgment could appeal to the King in Privy Council. The Superior Court had been duly established by an act of the General Court which had received the royal approbation, and the justices had taken oath to administer the same after the laws and usage of this province. He conceived that this honorable court was not by law impowered to award execution upon the judgment of any other court, but could only do so on the judgment of the court itself, and the order for restoring the money not being the judgment of this court he humbly conceived that the court had not power to grant execution upon the same or by any such way enforce the payment thereof. He humbly conceived that the clause in the royal charter allowing appeals to the Privy Council where the matter in difference exceeded the value of three hundred

pounds meant and intended that no appeal could lie unless the matter in difference exceeded three hundred pounds.<sup>1</sup> If an appeal should be taken from a judgment in some manner not provided for in the charter and not according to the usage of this province, and if the parties made an agreement to have such judgment reversed and the money restored, then the party pretending to be aggrieved could pursue the party at fault in some other manner, but such agreement he conceived was not binding in this court.

Reference has already been made to a case referred to in a note in Willis's *History of Portland*, and the opinion has been expressed that, notwithstanding certain differences between the account given by Judge Sewall and the facts as stated in this narrative, the case referred to is the same. It may be of interest, therefore, to quote what Judge Sewall says concerning the royal order and Emery's answer.

"The order of restitution was addressed to the Superior Court, and Mr. Auchmuty, an able lawyer of Boston, made an earnest application to the court to have the order carried into effect; the court was somewhat perplexed on the occasion, but Mr. Emery, as counsel for the plaintiff, drew up an answer to Mr. Auchmuty's petition, in substance as follows: That the Superior Court of Judicature was a court constituted by the law of the province, whereby they were authorized to hear and determine such civil matters therein mentioned as were made cognizable by them, and to render judgment thereon, and to issue execution pursuant to their own judgment and not otherwise. And if counsel for the defendant in this case had obtained a different judgment from what appeared upon their records he must go there for his execution, as they were not by law empowered to issue any execution contrary to their record of their own judgment. The court were satisfied with this answer and complimented Mr. Emery upon the manner in which he had relieved them from their embarrassment."

Judge Sewall's statement of Emery's point that the court had no power to issue an execution on a foreign judgment is put in more forcible language than that of Emery himself, but the judge entirely omits the argument by which Emery established the point that the judgment was not an original judgment of the Superior Court. If the appeal had been properly entertained by the Privy Council they would have had power to reverse the judgment. The court must, therefore, have adopted Emery's opinion that the language of the

<sup>1</sup>It was not contended by the English lawyers that His Majesty could order a rehearing in every cause. Jurisdiction was essential and it is this point which Emery was discussing. In an opinion given to the Board of Trade by Edward Northey, December 19, 1717, he said: "His Majesty cannot, by law, give a direction to any court for to rehear any cause depending therein, but rehearings are granted or denied by Courts of Equity, on petition of the parties grieved, to such court as shall be judged proper." Chalmers's *Opinions*, II. 177.

charter meant that no appeal could lie unless the matter in difference between the parties exceeded three hundred pounds in value, or they would not have pronounced, as they did on the twenty-sixth of June, the following decision:

“The court now taking into their serious consideration the said Memorial and Petition together with the answer of Noah Emery Attorney at Law in behalf of the sd Jno Frost are of opinion, That they have no authority by any Law of this province, or usage of this Court to order such an Execution. And the Provision made in the Royal Charter respecting appeals to his Majesty in Council, does not as they apprehend, warrant any such Execution but points to a method of another nature in all appeals to be made conformable to the sd Charter. This was, in effect the Judgm<sup>t</sup> of this Court when they sat in this County the last year, upon a motion made by the sd William Bollan in behalf of the sd William Leighton to the same purpose upon an order of His Majesty in Council dated the 29th of April 1736; And the Justices of this Court now present, see no reason to depart from that opinion.

As to the said John Frosts bringing on a Review, or an action de novo, that so the said William Leighton may withdraw his former plea and plead the General Issue &c. By the Constitution of the Courts of Justice in this Province, the Action must begin first at an Inferior Court, and so come to this Court by appeal, and the Justices of this Court, when such appeal comes regularly before them will unquestionably endeavor that Justice be done between the sd Leighton and Frost.

And as to putting the Royal Order before mentioned upon the Records of this Court,

It appears by the Clerks minutes, That the Justices of this Court receiving the first order, gave express direction for Recording the same, and were surprised to find it was omitted, and they have now commanded that both the Royal Orders be forthwith Recorded, and we shall take effectual care that the same be accordingly done.

In the name and by order of Court,

Samuel Tyley, Cler.”

It may be inferred from the last point made by Emery and also from the statement in the report of the committee of the Privy Council, that there commendations which they made were by the consent of all parties, that Frost's representative before the Privy Council had made some agreement that he, Frost, would abide by the result. If any such agreement existed it did not trouble the court. No reference is made in the decision to that point in Emery's argument.

No further attempts were made by Bollan to enforce the royal order through the agency of the Superior Court of Judicature. He had, however, notified the governor that he should move the Inferior Court of Common Pleas at the York term in July for permission to

plead anew in the case. The royal order required that court to enter the order upon their records and to allow the case to be opened again, and it was important for Bollan if he wished to follow the matter beyond this point that he should carry the matter before the Inferior Court. The original royal order had been filed with the clerk of the Superior Court. On the same day on which the decision of that court was rendered Bollan asked for the privilege of removing the order from the files of the court in order that he might exhibit it at the next sitting of the Inferior Court for the county of York. This was granted him on his promise that he would return the same to the clerk so that it might be recorded as the court had directed. At the July term of the Inferior Court the royal order was read and the clerk was instructed to record it. There the case practically ended. As it had been taken from the Inferior Court by appeal and had not been restored to their docket by the Superior Court, there was no way in which that court could have complied with a motion to reopen it, and it does not appear by the record that any such motion was made.

Once again mention is made of the case in the records of the Superior Court. On the 19th of October, 1743, the justices of that court received a letter from Governor Shirley, accompanied by copies of the two royal orders. In this letter the governor complained that to that day the orders had not been carried into execution. The court thereupon gave orders to the clerk to prepare a draught of a summons or other process to notify the said John Frost, the party concerned, to show cause why the order of the King in Council so far as concerned him had not been complied with, etc., and to lay the said draught before the justices of the said court that so they might do what was proper thereupon.

The clerk of the court had, in his endorsement upon the royal order, concentrated upon the head of Governor Belcher all of the contumely directed against the court, the governor and the council, and now the justices of the court, when called upon to carry out the order, contented themselves with ordering a summons to Frost to be draughted, so that he might show why he had not obeyed the order. It is doubtful if even this perfunctory recognition of the governor's complaint was ever actually performed.

ANDREW MCFARLAND DAVIS.

## OFFICE-SEEKING DURING THE ADMINISTRATION OF JOHN ADAMS.

DURING the four years of John Adams's administration there were fewer applications for office than there had been during any corresponding period of Washington's term. This was not due alone to the fact that there were fewer vacancies to fill, for there were few during the latter half of Washington's administration, but was owing to several causes. One was that Adams had not a large personal following. He was open-hearted and had harmless weaknesses, such as at other times and in other men have rather increased than lessened the popularity of their possessor, but there was also an aloofness and coldness of character about him, coupled with a confidence in himself and an assertive mastery which failed to conciliate. He was, too, emphatically a New England man and, while he had served the whole country long and with conspicuous ability, his personal acquaintance outside of New England was not extensive. Washington, on the other hand, had, in the course of his public career, lived in the North and East, as well as in the South. He knew many men and his circle of personal friends was large. He was in every sense a national character when he became President. His personal qualities commanded the respect of all and the devotion and veneration of many. Moreover, he had been at the head of a victorious army, and all the ardent affection which a soldier feels for his successful commander the men of the Revolution felt towards him. Therefore it was that after the war people who wanted offices appealed to him with a feeling that they had a filial right to do so, and in most cases they accepted in a filial spirit the refusal he gave them. There was no such feeling towards Adams. However much he was respected he was not generally liked, and eminent as his career had been it had contained no instances which fired the popular heart. People came to him for favors unwillingly and not in large number, and the applications for office breathe little of the spirit of personal attachment to him. When they were unsuccessful they often left behind them animosity and bitterness. It must be remembered that office-seeking had not, at that time, been reduced to a science, proceeding upon fixed rules, and the estimation in which the President personally was held played

an important part in regulating the number and tone of the applications for office.<sup>1</sup>

Another reason why the applications were not numerous was that Adams gave a considerable latitude of independent action to the heads of the departments, and many of the appointments were prompted by them. The applications were, therefore, scattered among several officials, whose powers were uncertain, and they were fewer than they would have been with but one known active appointing power.

At the same time there was greater display of party feeling in the office-seeking while Adams was President than there had been before. The hostile political organizations had formed when Washington was in power, but they had been held in check by his influence, which dominated one party and had a restraining effect upon the other. But John Adams was a strong party man himself, and the hostile measures which the Federalists took against the Republicans met with his approval. Even had he counselled moderation the people would not have listened to him. It was evident that they had grown impatient of submitting to the dominating influence of one man. They were tired of hero-worship and were resolved to have, for a time at least, no successor to Washington; and if Adams had had every attribute of a popular hero he would still not have been recognized as one. The war between the parties which had been waged with some violence when Washington stood between the combatants now became general and fierce. By means of pamphlets, by letters, by songs at the theatres and in the streets, by the passing of resolutions, by speeches everywhere, either party sought to bring confusion upon the other. It is doubtful if party heat was ever greater in this country before or after the Civil War. To make the bitterness uncompromisingly intense there entered a question of our relations with a foreign power which was thought to involve the national honor. War with France seemed to one side to be almost inevitable if we were to preserve even a semblance of our self-respect, yet there was a French party in the country which deprecated any hostile measures against our former allies and which sympathized with them passionately in their Revolution. It is not strange, therefore, that whereas during Washington's administration the political opinions of applicants for office seldom appear and

<sup>1</sup> This is shown by the applications during Jefferson's presidency. The idol of a party and a man of great personal popularity, he had, during his first term, more than twice as many applications for office as Adams had. If the statistics of modern office-seeking were available they would show that a President without a personal following is almost, if not quite, as much the victim of systematized office-seeking as a "magnetic" President is.

were seldom considered in making appointments to any but the very highest offices (except in Rhode Island, where opponents of the adoption of the Constitution were not appointed), the case was different during the Presidency of Adams. The intolerant political temper which prevailed is reflected in the applications for office and illustrated by them. In many instances, probably a majority, the political opinions of the candidates for domestic civil offices were brought out. In the appointments abroad and in the military appointments politics did not figure. Regarding the latter Adams wrote to the Secretary of War, McHenry, as follows :

“ Merit I consider, however, as the only scale of graduation in the army. Service and rank in the last war, or in any other war, are only to be taken into consideration as presumptive evidence of merit and may at any time be set aside by contrary proof. Service and rank in civil life and in time of peace, I think, ought not to be forgotten or neglected, for they are often of more utility and consequence to the public than military services.”<sup>1</sup>

Nor were all the applicants for domestic civil office Federalists. Frederick Augustus Muhlenberg, who had been Speaker of the House of Representatives, became a candidate shortly after he left Congress.

SPRING GARDENS, NEAR PHILAD<sup>a</sup>

Sept. 8th, 1797.

*Sir*

The office of Treasurer of the Mint having become vacant by the Death of Dr Way permit me most respectfully to offer myself a Candidate for the same. A series of misfortunes to a Son in Law of mine occasioned by french Captures have also affected me very materially, and being at present out of public Employment, I have both Leisure and Inclination to attend to the Duties of this or any other Office You may think proper to honor me with, whilst at the same time it would afford me some aid in a situation I have never been accustomed to. Submitting my Application to your Decision, permit me to add, that if appointed I shall execute the Duties enjoined with Diligence and fidelity, if not, it will never lessen that cordial Attachment and high respect with which I have the Honor to be

Sir,

Your most obedient

humble Servant

FREDK. AUG. MUHLENBERG.

*The President of the U. States.*<sup>2</sup>

<sup>1</sup> Works of John Adams, VIII. 640.

<sup>2</sup> The letter is from the MS. archives of the Department of State. All of the other papers quoted in this article, unless otherwise specified, are from the same source.



He next applied for appointment as collector at Philadelphia.

PHILAD<sup>A</sup> June 5<sup>th</sup> 1798.

*Sir,*

Having understood, but last Evening, and not before, that the Office of Collector of the port of Philadelphia had become vacant by the Resignation of M<sup>r</sup> Dulany, permit me to take the Liberty in the most respectful Manner to offer myself a Candidate for the same, or, if a promotion of either the naval officer or Surveyor should take place, for either of the offices, which may become vacant in consequence thereof. To you, Sir, I flatter myself my Conduct and Character is well known, and I trust, altho' I am not at present in any public Employment, that bred and born in the County of Philadelphia, and living amongst them I still have the Goodwill and Confidence of my fellow Citizens, and if necessary can obtain as respectable signatures to certificates of Recommendation as any other Candidate that may offer. . . .

If in the course of our political Disputes, whilst I had the Honor of a Seat of Congress I have erred, I can only say, that influenced by neither party I acted according to the best of my Judgement, and according to what in my Opinion was most for the real Benefit of our beloved Country, to whose Constitution and Government no one in the U. States can be more warmly attached than myself, and which I shall ever firmly support against both foreign and domestic foes, whilst I have Breath. . . .

. . . I have the honor to be

*Sir,*

Your most obedient

humble Servant

FREDK. A. MUHLENBERG.

*The President of the U. States.*

A disappointed office-seeker can always find some deeper motive than a mere preference for another in his rejection, and Muhlenberg conceived that he had been passed by because of Hamilton's animosity towards him. Shortly before Jefferson's inauguration he wrote to him and disclosed this opinion.

LANCASTER, Feby. 11<sup>th</sup>, 1801.

*Sir,*

It being the prevailing Opinion, whether well or ill founded, I do not presume to judge, that a Change will be made in the Revenue officers of this State, acting for the United States, permit me in the most respectful Manner to offer myself as a Candidate for the Office of Collector at the Port of Philadelphia. Tho' I humbly hoped I had some small claim on the Public . . . . I was again obliged to seek for public

Employment, and accordingly made Application for the Office of Treasurer of the Mint, but met with no success. Some time afterwards, when the Office of Collector became vacant by the Resignation of M<sup>r</sup> Delany, I was advised by my friends to apply for it, and from their Information as well as some Hints given to me, I had reason [to] expect Success. But whatever good Wishes may have been entertained for me, M<sup>r</sup> Wolcott's Influence prevailed. This Gentleman I had offended by taking the active part I had in discovering his friend Hamilton's Affair of Gallantry, and thus I had once more to lament my fate and sing with Ovid: *Cur aliquid vidi, &c.* . . . .

I have the Honor to be

Sir

Your most obedient

humble servant

FREDK. A. MÜHLENBERG.

Thos. Jefferson, Esq.

Presd<sup>t</sup>. elect.

Most of the civil appointments made by Adams were to collectorships and other customs offices, and the applications were often addressed to Oliver Wolcott, the Secretary of the Treasury. The custom-house at New York engaged the President's attention soon after his inauguration. The collector, General John Lamb, a distinguished soldier in the Revolution and an ardent Republican and follower of the Livingstons and Clintons, was old and in ill health, and a very serious defalcation, arising from the rascality of a trusted under-official, had been discovered.<sup>1</sup> Alexander Hamilton was communicated with relative to a successor to Lamb. The reply, in his handwriting, but unsigned, was doubtless addressed to Wolcott.

ALBANY, April 22, 1797.

Dear Sir

My absence from New York to attend the Court here has put it out of my power to answer sooner your Letter of the 13th instant.

The characters which occur to me as proper to be considered for Collector are these—

*Benjamin Walker*—This Gentleman you know as well as I do. He is every way qualified and fit, and had he remained in the place of naval officer he might, qualified as he is, have looked to that of Collector almost as a matter of course—but the having quit the former terminates the pretension on that score. He stands a candidate at large. As such however, he equals any in the requisites for the Office and has the peculiar advantage of Experience in relation to it. But you ought to be apprised that from his engagements in certain agencies from abroad &c,

<sup>1</sup> See Leake's *Life of John Lamb*, p. 353 *et seq.*

he has for a long time executed the naval office chiefly by deputy—and if he should be concluded upon for the other it ought to be well understood that his *intire personal attention* is expected and the *relinquishment* of his agencies, for I suspect they *will not* harmonize.

*Matthew Clarkson*<sup>1</sup>. This is among the worthiest and best esteemed of our citizens. Till his appointment to the Office he now holds he has had little familiarity with accounts, but I should believe his attention and care, *upon principle*, would ensure a good execution of the office and his personal qualities would render his appointment peculiarly acceptable. I believe however, he is connected in Trade—and I do not know that he would relinquish it for the Office.

Nicholas Fish<sup>2</sup>. I have a perfectly good opinion of this Gentleman—who is also very generally esteemed and according to my ideas of him, he would execute the office as well as any man and there is no circumstances in his situation against it. I presume he would prefer it to that which he now holds.

You however who have had the conduct of both these Gentlemen in their present Offices, more immediately under your eye in different capacities, can from thence judge what that conduct promises in the other offices. There is *I know* always inconvenience in the change of a man who is in the train of a particular office. But there is also the motive (of no small consequence) of encouraging men to accept offices of less eligibility by the expectation of better when then occur.

*Aquila Giles*<sup>3</sup>. There are few whom I should have preferred before this gentleman, had I not been lately told that there have been some delays in bringing forward monies which came into his hands as Marshall. You probably have more light on this subject than me and can appreciate the force of the objection. He is however less a man of business than some others.

*Gulean ver Plank* (now President of the Bank of New York) He is a man of superior mental endowments to any of [those] who have been named and of superior acquirements. His moral character is of the most estimable sort. His habits have not led to a familiarity with accounts—and he is supposed not much addicted to labour. But I think he would *upon principle* apply himself closely to a good execution of whatever he should undertake. He is a man of moderate fortune and has no particular pursuit—so that I think he might be willing to accept though I am not certain.

*Jonathan Burrall* (now Cashier of the office of Discount) According to my opinion *no man* would be *better qualified* or more *faithful*. He is respectably connected in our State by marriage—and well esteemed though not of *important* standing in our community. He would however be an acceptable appointment.

<sup>1</sup> He was Commissioner of Loans for New York at the time.

<sup>2</sup> Supervisor of the District of New York.

<sup>3</sup> Marshal for the District of New York.

*James Watson*—would no doubt be *well qualified* and there is every ground of confidence in his fidelity. He affords the public the security of a good fortune. It must however not be omitted that by *Something* in his character, too much fondness for office, by some marks of indecision and temporizing in lesser matters, he is far less well esteemed in our community than the other characters who have been named.

For *qualifications* relative to the Office I should prefer—*Walker Fish Burrall* and *Watson*.

None of the men mentioned by Hamilton were selected, but Joshua Sands, in whose favor no papers are now on file, was nominated and confirmed as collector May 19, 1797, Lamb being dismissed.<sup>1</sup> The competition to secure such appointments was keen, and in the case of the collectorship at Norfolk began before the incumbent was dead.

Norfolk was at that time a city of rising importance. In 1806 Jefferson expressed the opinion that it would eventually be a greater sea-port than New York and only second, perhaps, to New Orleans.<sup>2</sup> The collector of customs, when Adams became President, was Colonel William Lindsay, an old officer of the Revolution and a friend of Washington's. Associated with him as surveyor of customs was Daniel Bedinger, also an officer of the Revolution, who had served in the custom-house before the Constitution was formed, and when Josiah Parker, afterwards a member of Congress, was the collector. A young relative of Lindsay's, Francis S. Taylor, was also employed in the office, and during the protracted illness which preceded Lindsay's death Taylor acted as deputy collector. He was intimate with Lindsay's family and was engaged to be married to his daughter. He was poor, Lindsay's recovery was impossible, and his family, after his death, would be ill provided for. It was highly desirable, therefore, that they should not lose the salary of the office. The merchants of Norfolk, for reasons disinterested or otherwise, were favorably disposed to Taylor, so an ingenious scheme was set on foot for his succession to the collectorship, Lindsay apparently having full knowledge of and approving it. It took the shape of an application for the office for Taylor five months before Lindsay died. James Hunter, of Norfolk, unfolded the plan in a letter which is unaddressed, but which was probably sent to one of the Virginia senators or representatives, by whom it was laid before the President or Secretary of the Treasury.

<sup>1</sup> *Executive Journal of the Senate*, I. 240.

<sup>2</sup> *Travels in the United States*, by John Melish, I. 201, 202.

NORFOLK, VIRGINIA 20<sup>th</sup> April 1797.

Sir . . . . .

Col. Wm. Lindsay the Collector of this port has for a long time been in a declining state of health, he is now reduced so low that I think He cannot live many days,—this Gentleman upon enquiry you will find was a distinguish'd active officer during the American Revolution he is a Man of the Strictest honor, and unblemish'd reputation a firm and try'd friend to his Country. as a reward for his success and merit the late President (who knew him well) gave him the appointment already mentioned at the commencement of the present Government. his conduct in office the records of the Treasury department will evince. M<sup>r</sup> Lindsay has a large Family—an amiable Lady and Six children. the emoluments of office ceases with the incumbent. Now Sir with the foregoing introduction I must beg leave to inform you that a relation of M<sup>r</sup> Lindays a M<sup>r</sup> Francis Taylor a Young Gentleman of talents and Integrity has for several years as Deputy Collector conducted the business of the office under M<sup>r</sup> Lindsay with the utmost propriety, that an alliance will shortly take place between him and a Daughter of the Collector—that by his succeeding Coll. Lindsay in office the means of comfort and happiness would be afforded the Family—and I have further to add that M<sup>r</sup> Taylor is in possession of the best wishes and fullest Confidence of his fellow Citizens

For these reasons Sir I most earnestly solicit your interest in your official capacity for M<sup>r</sup> Taylor. his character will stand the strictest scrutiny—and his appointment under the circumstances I have already mentioned will be an additional reward to the virtues and merits of his Predecessor.

I shall be extremely gratified by a few lines from you when convenient and remain Sir

with esteem

Yr ob servt

JAMES HUNTER

This was followed in two days by a letter from the merchants at Norfolk.

NORFOLK April 22<sup>nd</sup> 1797.

It is with extreme regret we mention that an Indisposition which has long afflicted the Collector of this port, must very speedily terminate his Existence, an event much to be lamented, not only because it will deprive Government of a good Citizen and valuable officer but because Society in losing Him will lose a worthy and respectable Member.

While we anticipate the fate of Major Lindsay with the most afflicting sensibility, We cannot in justice to M<sup>r</sup> Francis S Taylor (who has for five years past officiated as his Deputy) omit recommending Him as a Character, whose experience, talents, Integrity and zeal for the Government, render Him highly qualified to succeed to the important station of Collector of the Port of Norfolk and Portsmouth.

A long acquaintance with this Gentleman in private Life, and in the exercise of the official duties, which for some time past have wholly devolved on Him, authorize us confidently to state the most unequivocal assurances in his behalf as a person highly meriting public confidence and private esteem. To you we have thought it proper to communicate these sentiments, as an Officer of the Government and request you will make a representation of M<sup>r</sup> Taylor to the president of the U States

We should feel happy in his success and are persuaded the Government will find in Him an attentive respectable and valuable Officer.

We are with the highest respect

Your most obt

ROBERT TAYLOR, JNO. LAWRENCE,

GILBERT ROBERTSON, and 32 other  
individuals and firms.

The movement in Taylor's interest having reached the ears of Bedinger, the surveyor, he wrote to Parker, a member of Congress and a Republican, who sent the letter to Wolcott.

NORFOLK, April 25, 1797.

*Dear Sir*

I had not been at home more than an hour before I was informed that the Paper (mentioned to you by Mr. Cowper) recommending Mr. Francis S. Taylor as a proper person to fill the Office of Collector for this port, had been handed about in the most private manner possible. That it was offered to none but those who were supposed to belong to a particular party. And that the Secret came out by their mistaking Mr. Granberry to be of that party, who you know is (notwithstanding his mercantile pursuits and foreign connections) an honest, independent, native American, influenced by no party whatever. When it was offered to him, I am told he flatly refused to sign it, because he could not in his conscience promote a scheme which neither justice, nor a regard to common decency could possibly sanction. And because, also, he could not surmount the repugnance he felt at the idea of signing a paper upon which the names of Gilbert Robertson and other foreigners appeared most conspicuous. To say nothing of the indelicacy of this attempt whilst Major Lindsay is still living (and alive like to be, at least for some time to come) it seems a little extraordinary that a set of men, the majority of whom are strangers, or characters who were never friendly to our revolution, should endeavor to foist over the heads of *others*, a young man, *unborn*, or at best but in his cradle at the commencement of our revolution, and who, one would suppose (from the Secret, not to say clandestine, manner in which his cause has been espoused) is now supported for particular reasons and to answer particular purposes.

You know M<sup>r</sup> Taylor personally but perhaps are not acquainted with

particulars. He is about 22 years of age. Was brought to Norfolk by his uncle Richard Taylor late Captain of the revenue cutter, in the year '91. For several years after he acted as an under clerk in the Custom house, until M<sup>r</sup> Coleman Deputy Collector quitted that office, when M<sup>r</sup> Taylor was appointed in his stead.

But it has been said that M<sup>r</sup> Taylor is betrothed in marriage to the daughter of the present Collector, who being perhaps sensible of his approaching dissolution, has been prevailed upon to resign his office in favour of his *intended* son in law. I have also reason to think that the recommendatory paper mentioned in the early part of this letter, was forwarded to the President in order to secure his appointment. Whether this be so or not I cannot say ; but it seems to me that a *death-bed* resignation looks too much like a *bequest*—that this kind of *succession in office* has too greatly the appearance of the *inheritance of office*, ever to be countenanced by the President of the United States, should he be truly informed of all the circumstances attending this Case.

As you are acquainted with my intention of becoming a candidate for the Office of Collector of this District, when it shall be vacant and when I can come forward with propriety, I hope you will excuse my prolixity on the subject. I flatter myself too that you will be pleased to communicate to the proper department such information as you may think proper, in order to prevent the precipitate appointment of any man to the office in question, on the mere suggestion, or recommendation of men who I am well assured are (at least a majority of them) what I have described them to be.

M<sup>rs</sup> B. and her sisters join me in Compl<sup>ts</sup> to M<sup>rs</sup> Parker, Miss Nancy and yourself. No late arrivals ; nor anything new either from Europe or the West Indies.

I am, with the greatest respect

D<sup>r</sup> Sir

Your most obedient Servant

DANIEL BEDINGER.

*The Hon<sup>ble</sup> Josiah Parker Esq<sup>r</sup>.*

Parker supplemented this letter with the following to Wolcott :

MACCLESFIELD April 26<sup>th</sup> 1797.

*Sir*

I had the honor to write you from Smithfield since which I have rec<sup>d</sup> a letter from M<sup>r</sup> Bedinger the Surveyor at Norfolk in respect to a vacancy said to have taken place at Norfolk for a Collector. . . .

I had the management of the Customs at Norfolk for this State. for a long while M<sup>r</sup> Bedinger was my deputy. I found him a man of Talent and integrity. Upon my being elected to Congress I resign'd the office. M<sup>r</sup> Lindsay and M<sup>r</sup> Bedinger were competitors for it. the Council wa

divided. A compromise took place. Lindsay was to be appointed and Bedinger to aid in the business and share in the emoluments.

When the new System was adopted M<sup>r</sup> Lindsay was appointed Collector, Mr. Gatewood Naval Officer and Mr. Bedinger Surveyor. the latter was made Surveyor because it was supposed by the President that the office would be more lucrative than that of the Naval Officer.

As to M<sup>r</sup> Taylor I see no pretensions he can have to expect the Office. Was he to be preferred to Surveyors in the same district of better talents and more respectability it would doubtless be complained of and I have other reasons which I shall give why M<sup>r</sup> Taylor should not receive the appointment when I have the pleasure to see you which will be I hope by the 15<sup>th</sup> next Month.

With much respect

J: PARKER.

The next month two new candidates appeared in the field (Lindsay being still alive), in Miles King and Otway Byrd. With reference to the latter General William Heth, who had apparently been approached by Wolcott on the subject, wrote :

Private

CITY POINT, 23<sup>th</sup> May 1797.

*Dear Sir*

Thank you for your private letter of the 8th Ins<sup>t</sup> and the Confidence reposed in me.—Respecting a Collector for Norfolk when a vacancy shall happen, a very proper character may be had, in Col<sup>o</sup> Otway Byrd, who has informed Col<sup>o</sup> Carrington of his intentions to become a candidate.—Carrington and myself, have had much conversation on this Subject. He appears as desirous as I am to see that office, *for once*, properly filled, and being well acquainted with Colo. Byrds character, qualifications, and abilities, he is well Satisfied that he *ought*, under every consideration to be appointed in preference to any one we have thought of: and indeed he was pleased to say, that if I did not wish to go to Norfolk, he did not know a more fit character in every respect, than Col<sup>o</sup> Byrd.

I have just understood that the Merchants of Norfolk have, or that they intend to present a joint recommendation in favor of M<sup>r</sup> Taylor, the Young Man who long acted as Deputy to Lindsay—and who actually does the business at this time<sup>1</sup> — (tho' Reuben Long, *signs* as Deputy), but does not appear officially, in consequence of his being concerned in trade, or merchandize of some kind. I am inclined to give credit to this report, because I *know* that Carrington was applyd to some weeks ago, to recommend M<sup>r</sup> Taylor, when, among other reasons to induce him to

<sup>1</sup> I should not consider it as a *very great* compliment to be highly recommended as a Collector by the Merchants, owners and Masters of vessels of Norfolk—or indeed any other District. (Note in the original MS.)



do so, he was told that, 'such an appointment would benefit Lindsay's family, as Mr. Taylor was to marry his daughter'.—But, application was made to the wrong man. Carrington declared with candor, that he would do no such thing, nor would he *ever* recommend any *young man* to fill such an office ; besides, he knew nothing of Mr. Taylor's qualifications—nor could I say anything thereon when applyd to, having no personal knowledge of him.—But, in the course of business, I have seen many marks of very loose conduct in him, as Deputy Collector, and have had abundant reason to believe that he does not possess a common knowledge of the Laws.—And this, must ever be the case, when the whole duties of such an office, are committed to a deputy, and when that Deputy, has his private business to attend to.—Never, since my knowledge of Norfolk, has the business of the Naval Office been conducted by the Principal. This will in some measure account for the very lax conduct which hath obtained there. During Parkers *reign*, the most shameful abuses were practised. The wine, cheese, Porter, &c. which he rec<sup>d</sup> as presents, supplyd his table in the most ample manner.—at least, so says fame, to this day. And that he lost upwards of £20,000 to the State, by taking the bonds of *improper persons*, there is no sort of doubt. Indeed, Colo Jarvis the late Atty. General, said in my presence not many months ago, that he believed the sum so lost to Virg<sup>a</sup> amounted to near £30,000. And this, is the Man, who had the effrontery to stand up in Congress and say, that *his* confidence in the President (George Washington too) had diminished.

But what is not *such a man*, capable of saying, or doing?—I wish Peter Porcupine knew this man's History well.

I am Dear Sir,

With very sincere esteem and  
friendship

Yrs

W. HETH.

Lindsay died September 1st, and the contest for his place became more active than ever, a number of new candidates sending in their applications. General Edward Carrington wrote letters with reference to Taylor, Bedinger and Byrd. Of the first he said simply that he had heard him well spoken of, and that his endorsers were men of respectability. Of Bedinger he wrote :

RICHMOND Sep<sup>r</sup> 11, 1797.

Sir

I am requested by Mr. Daniel Bedinger, the present Surveyor and Port Inspector at Norfolk, to say to you that I know of his pretentions to the office of Collector there, which is now vacant. In my letter of 21<sup>st</sup> of Jan<sup>y</sup> last, on the contract business, I was full as to my opinion of this Gentleman. As a Port Inspector I will not hesitate in saying he is not sur-

<sup>1</sup> *Executive Journal of the Senate*, I. 251.

and the fact that Bedinger had not been promoted was attributed to political motives. Nearly two years later Adams wrote to Wolcott :

QUINCY, 4 October, 1800.

*Dear Sir*,—Enclosed is a letter from Mr. Daniel Bedinger, with a certificate in his favor from Governor Wood. I suppose this letter comes too late ; but that, if it had arrived earlier, it would have made no alteration in your judgment or mine. Neither Mr. Parker nor any other person ever had authority from me to say, that any man's political creed would be an insuperable bar to promotion. No such rule has ever been adopted. Political principles and discretion will always be considered, with all other qualifications, and well weighed, in all appointments. But no such monopolizing, and contracted and illiberal system, as that alleged to have been expressed by Mr. Parker, was ever adopted by me.

Washington appointed a multitude of democrats and jacobins of the deepest dye. I have been more cautious in this respect, but there is danger of proscribing, under imputations of democracy, some of the ablest, most influential, and best characters in the Union.<sup>1</sup>

There cannot be any doubt that Adams endeavored to obtain worthy men for the appointments he made, but if he did not wholly proscribe members of the Republican party he at least showed such a preference for Federalists that few who were not members of that party received any favors at his hands.

We come now to the subject of removals from office. In the papers covering the eight years of Washington's presidency, there are no letters urging dismissals from office for political reasons. In the archives during Adams' term there are such letters, and a few removals were made of incumbents who had evinced an aggravated and offensive political opposition to the administration. Other causes, however, usually entered into the dismissal, and the action was not, save perhaps in one or two cases, wholly political. A fair illustration is found in the case of Joseph Whipple, collector at Portsmouth, New Hampshire, and William Gardner, the commissioner of loans for that state. Both had been appointed early in Washington's administration. A year after Adams became President, Jeremiah Smith, United States attorney for New Hampshire, wrote the following letter to Wolcott :

EXETER 14 June, 1798.

*My dear Sir*

As to Gardner and Whipple

They have been it is generally said faithful and punctual in the discharge of the duties of their offices. They have some property and I be-

<sup>1</sup> *Works*, IX. 87.

lieve are pretty free from debts and speculations. Their political conduct has been disrespectful to the Government and offensive to good men in the extreme. There is this difference between them Gardner is open and decided Whipple more cunning and cautious but they are both violent Jacobins and have spared no opportunity of exciting opposition to the Government and have used their official consequence and situation for that purpose. I have repeatedly heard that the loan officer would observe when applications are made to him for payment of interest, that he is ready to pay *now*, but it is altogether uncertain whether anything will be paid the next quarter if this or that governmental measure should take place.

The Collector makes similar observations to merchants who complain of bad Voyages or bad Times—telling them that all these things flow from the cursed British Treaty. In short they are both open bitter enemies of the Gov<sup>t</sup> and Partizans of France and Would give me a great deal of pleasure to see them *rewarded* with offices under the latter. They have merits and claims for such appointments. The deluded and deceived multitude at Portsmouth have deserted their leaders and have left these men nearly alone in the opposition. I am not disappointed at their perseverance. I never have yet known a real thorough Jacobin converted by light or knowledge. The defect lies in the heart. They hate the light because it reproves their deeds which are evil. I have no hesitation in saying that I think Justice to the public requires the removal of these men. They surely can not complain if that Government which is the object of their execration should weaken their means of injuring and abusing it.

. . . . .  
I have the Honor to be  
with sincere esteem Sir  
Your most obed<sup>t</sup> servant  
JEREMIAH SMITH.

*The Secy of the Treasy.*

Another complaint against Whipple followed the next day from one who accused him vehemently of unjust exactions. After stating his grievance at length, this correspondent adds :

How it happens that a Man of his *Character*, especially of his *political Character* should remain so long in the most lucrative office in the State, is I believe a wonder to *every* Merchant here, for I suppose every one esteems him one of the most inveterate Jacobins in the United States, and I can safely challenge him to produce an instance for several years past, of his ever expressing a *single sentence* in favor of our Government, or the *Measures of the Executive in particular*; but directly the reverse, and believe the universal opinion from his conduct is, that he is most decidedly opposed to the *Administration*, if not to the *Government* itself.

I need not remark that such conduct, in the first officers of Govern-

ment in the State, have astonishing influence on the People, as they are supposed to know fully the views of Government.

As my intention is an application to you for redress, must intreat Your interference, that Justice may be done.

Pleas to pardon the length of this letter, espetically at this critical moment, I should not trespass so much on Your time, but I could no longer bare the oppression, of the Collector—and this being the first complaint of the kind I *ever* made I hope to have no occasion for another.—

I am unknown Personally to You, or the heads of the Departments, except a very small acquaintance with the Hon<sup>l</sup> Secretary Pickering, who perhaps may give You some small information, respecting my character, if you will be so obliging as to inquire of him.

I am Sir with all due Respect

Your Most Obed<sup>t</sup>

Hum<sup>l</sup> Serv<sup>t</sup>

ELIPH<sup>l</sup> LADD.

On June 30th, John Pierce was nominated to be Commissioner of Loans in place of Gardner, and Thomas Martin to be collector at Portsmouth in Whipple's place.<sup>1</sup> It was concerning these removals that Adams wrote his friend Benjamin Lincoln, March 10th, 1806:

When I came into office it was my determination to make as few removals as possible—not one from party considerations. This resolution I have universally observed. Conviction of infidelity to a trust cannot be resisted, and gross misconduct in office ought not to be overlooked. The representations to me of the daily language of several officers at Portsmouth, were so evincive of aversion, if not hostility, to the national constitution and government, that I could not avoid making some changes. Mr. Whipple is represented as very artful in imputing individual misfortunes to measures of administration, and his whole influence to have been employed against the government, and Mr. Whipple must take a more decided part before he can get over the prejudices against him . . . If the officers of government will not support it, who will? I have no ill will to Mr. Whipple, and no prejudice against him, but I still think his removal was right.<sup>2</sup>

Jefferson restored both Gardner and Whipple to the service, removing those whom Adams had appointed in their stead.

But the most important removal from office for political reasons by Adams was that of Tench Coxe, the Commissioner of Revenue. The story must be told at some length, and in order to understand it, it will be necessary to quote several of the applications for office made during Jefferson's presidency.

On July 10, 1798, Matthew Lyon, at that time a member of

<sup>1</sup> *Executive Journal of the Senate*, 1. 283.

<sup>2</sup> *Works*, IX. 46, 47.

Congress from Vermont, sent to Wolcott a list of seven persons whom he recommended for office as commissioners to carry into effect the act levying a direct tax upon the valuation of lands, etc. He spoke of them as men of "Respectability, Responsibility and Knowledge of the relative value of property," and added that he was impelled by a sense of duty in writing the letter. Of the six commissioners appointed, but one, Jonathan Spofford, was included in Lyon's list. Lyon was a violent Republican, and his attacks against the administration culminated in his trial and conviction with fine and imprisonment, in October, 1798, for violating the Sedition Law. Among his seditious utterances were these:

"As to the executive, when I shall see the efforts of that power bent on the promotion of the comfort, the happiness and accommodation of the people, that executive shall have my zealous and uniform support ; but . . . when I shall behold men of real merit daily turned out of office, for no other cause but independency of sentiment, when I shall see men of firmness, merit, years, abilities, and experience, discarded in their applications for office, for fear they possess that independence, and men of meanness preferred for the ease with which they take up and advocate opinions, the consequence of which they know but little of . . . I shall not be their humble advocate."<sup>1</sup>

While Lyon was still undergoing his imprisonment he was re-elected a member of the House of Representatives, and when he appeared after his release and proposed to take his seat his expulsion was moved. Albert Gallatin, in speaking in his behalf, said the statement that men of firmness had been discarded in their applications for office was a matter of fact, and that such men had been turned out of office. "I do believe," said he, "that the first assertion is true, and what is here written is no more than an illustration of what has been declared on this floor, that men of certain political opinions, however capable, experienced, firm and virtuous they might be, were unfit to hold the offices." This, Gallatin said, was the only fact which could be brought under the law, and he thought it a fact capable of being proved to be true. He adduced, as evidence of the fact, the cases of the late Commissioner of Revenue for the United States, and of the Commissioner of Loans for the state of New Hampshire, who, he said, it was evident were turned out of office on account of their political opinions.<sup>2</sup>

The Commissioner of Loans referred to was Gardner, whose case we have already touched upon. The Commissioner of Revenue was

<sup>1</sup>Wharton's *State Trials of the United States, during the Administrations of Washington and Adams*, p. 333.

<sup>2</sup>*Annals of Congress*, 5th Cong., III. 2971.

Tench Coxe, of Pennsylvania, who was dismissed in the latter part of December, 1797. While in office he had carried tales to Duane, the editor of the *Aurora*, the most scurrilous of all the Republican papers, and had given other aid to the opposition, as his letters to Jefferson, when he applied for reinstatement to office, clearly indicate. Wolcott informed him that his dismissal was due to "deliberate misconduct in office."<sup>1</sup> It was received with gratification by the Federalists. George Cabot wrote Wolcott, congratulating him on having "finally expelled a traitor from the Treasury who never deserved to be trusted," and added: "The toleration of such a fellow in office after his duplicity was known indicates truly a weakness in the government and I have never yet believed that this kind of policy was wise."<sup>2</sup> William Smith, of South Carolina, the minister to Portugal, wrote: "I am very happy to hear you have got rid of Tench Coxe. I suppose he will follow the steps of Randolph, Monroe, etc., and write his vindication without more ado."<sup>3</sup> A vindication he did not write, but from revenge he circulated a copy of a letter written to him in confidence by Adams in 1792, which contained reflections against the supposed British proclivities of the Pinckneys.

Coxe's career had been erratic and uncertain from the beginning. During the Revolution he left the Pennsylvania militia, of which he was a member, to join the British forces, but he came back again later to the patriot side. After the war he was at first a Federalist and applied for an office, his letter breathing a fervid admiration for Washington. He was appointed Commissioner of the Revenue in 1792. He was a man of talent and of pretensions to knowledge of political economy and he published several papers, some over his own name and some anonymously, on the subject of American trade. It was in connection with one of the latter that John Quincy Adams many years later described him as a man of "wily, winding, subtle and insidious character."<sup>4</sup> His letters to Jefferson asking reinstatement in the service show the reasons for his dismissal as he conceived them. They were entirely partisan, he thought, and had originated in Hamilton's hatred for Jefferson, and they gave him a claim to reappointment. Jefferson and Gallatin, his Secretary of the Treasury, and Republicans generally in Philadelphia, agreed with him.<sup>5</sup> Under date of March 10, 1801, imme-

<sup>1</sup> Gibbs, *Administrations of Washington and Adams*, II. 6.

<sup>2</sup> *Id.*, II. 9.

<sup>3</sup> *Id.*, II. 55.

<sup>4</sup> *Memoirs*, IV. 370.

<sup>5</sup> . . . "But Captain Lewis says that the Republicans in Philadelphia seem generally agreed that, in case of removal of either of the two custom-house officers, he,

diately after Jefferson's inauguration, Coxe sent in his application. "I will not suppress," he said, "the expression of a consciousness that I have undergone the most injurious and severe trials in the public service as a citizen lately, and before as an officer." A little later he set forth his "claims" at length. The letter is undated, but it is endorsed in Jefferson's hand, "rec'd. Apr. 18, 1801."

(Private)

Sir

The gentleman who received my office on my unjust extrusion has retained it, and will probably continue in it longer than the present Collectorship of the Revenue will last . . . My situation, be assured, Sir, has been thought extremely delicate in respect to that office and it has occasioned much remark by friends, and foes and dispassionate and candid men concerned only for a rational execution of Government. . . . The world see me yet unprovided for—*yet unrestored—my old office held by him that extruded me*—the best Branch of it given to another (Gen' M) and I a non-commissioned officer of the system. I submit to you, Sir, whether the most negative character, extruded as I was, would not be lowered by these circumstances in the public eye. I submit, Sir, whether I have merited it—whether there is any man who has labored more, or with more effect, or with more injury to himself *to prevent a counter-revolutionary operation* from 1792 to 1801 than I.

In this state of things and under such circumstances it is supposed you are about to make one or more changes in the customs. I have rec'd nothing yet from your justice or your friendship, and am a Merchant, who have joined practice in navigation, importation and exportation to practice in superintending our commerce for two years in the Treasury, and to reading, and study in the foreign and domestic theory and legislation of it. With what success, I submit. In all commercial countries such men are employed by good and wise rulers. On these grounds I beg you, Sir, to consider my pretensions to the *one* place in the customs w<sup>ch</sup> you may vacate, if only one, and to the second, if two. I beg you to consider whether Gen' M. having rec'd one office from you and I assurances after his appointment to that, whether, I say, I am not entitled to any vacancy which I can fill as well as he, if there be one only vacated. If there be two, I still express my *cheerful* disposition to take the least profitable one.

I expect, *in confidence*, that he cannot remain in it. I am satisfied the event I mentioned will take place in Penns<sup>d</sup> unless he does what

Mr. Coxe, is entitled to the preference. . . . I feel no hesitation in saying that, on the grounds of public service and capacity, as well as on account of his having been formerly removed, Mr. Coxe's pretensions to the most lucrative of those offices which may be vacated appear well grounded." Gallatin to Jefferson, June 21, 1803. Adams, *Works of Albert Gallatin*, I. 123, 124.



many republicans think no man has a right to do. At all events however the question of giving one gentleman *two capital* appointments to the delay of claims such as you have been pleased to say mine are, is respectfully submitted. Permit me to express to you my sincere belief and apprehensions that your giving him a *second* and *commercial* appointment to my exclusion, after so long delay will do all in your power to consummate my depression and disgrace. The trivial appointment of a comm. of Bankruptcy, which Judge P. will have the power to render fruitless by running upon the three he likes, to the exclusion of the other two, will neither maintain my large family, repair my substantial losses nor restore me to public honor and confidence. The office cannot produce 1200 Dollars *p* annum, and is a very uncomfortable and inconvenient one.

I perceive that I shall be unable to endure my situation without seeking relief, and that relief can only be in a seclusion from my political connexions and relations in the Bosom of my family. The world will see that if an office in the customs does not afford an opportunity to provide for me, nothing ever can—and they Will consider my disgrace as deliberate and complete. In this *trying* situation, it will be my endeavor, with the support of heaven, to maintain a temperate, virtuous and judicious conduct. May God grant that so bitter a cup as exile at the hands of my friends may pass from me. Yet such, Sir, appears to me to be the inevitable afflicting consequence of your exhibiting me on the rising of the legislature in the Situation I have mentioned. I entreat you to pardon this last effusion of a deeply wounded spirit. On serious reflection I could not justify the omission of the final attempt to avoid the evils I deprecate.

I have the Honor to be, Sir,

Y<sup>r</sup> mo. respectf. serv<sup>t</sup>

TENCH COXE.

This was quickly followed by another letter without date, in the postscript of which he described the cause of his dismissal.

“Permit me to add to this letter, sir, already too long a few particulars which I am sure you would wish to know and remember. Soon after the removal of the government from New York to Philad. I expressed an opinion before a number of members of Congress at my own table, that the Sec<sup>y</sup> of State was the officer on whom the law should devolve the Govern<sup>t</sup> in the event of the death &c. of the President and V. Pres<sup>t</sup>. I found myself called on the next day by Mr. I.<sup>1</sup> of the Senate and an earnest expostulation took place. Mr. Hamilton considered it as a preference of a person whom he called his Enemy. The consequence was an irremovable unfriendliness and indeed hostility for the last ten years. I found a like displeasure in two Gentlemen of the S. who discovered

<sup>1</sup> Senator Ralph Izard, of South Carolina.

from some table of mine, shewn naturally by you, that I had contributed to the stock of information on which your report in favor of their own fisheries was founded. You remember the deportment of Mr. H. upon the subject of the Sea letters, which I undertook, without an idea of compensation and completely arranged so as to meet your entire approbation and that of Gen<sup>l</sup> W. You may judge of the temper and deportment to me. The like temper and deportment was manifested on the occasion of the Report upon our foreign commercial relations, for it was impossible to conceal from jealous eyes the preparation of papers extracted often from Treasury sources. These and all other similar matters were adverted to in the trying expostulations, to which I was subjected for not adhering to a line of conduct grounded, as I conceived upon geographical American party, and personal prejudices, the whole produced, as I believe, by enmity to the principles adopted in the Revolution of 1776—republican principles. These things cut me off from all chances of preferment, if they could be prevented. My decent and fair investigations of the principles of an eminent candidate in 1796, devoted me to sacrifice. A few months worked my immolation. In 1798 the publication of those papers (*The American Merchant*) by which, in private, I had affected the minds of many in the extraordinary session of 1797, brought on menaces of exile and destruction, which I will prove to you, Sir, by several persons. In this course of firm and constant exertion I have been till I saw the republican cause made safe by the success our State election crowned by your own. Permit to ask whether a mere indemnity in some decent form and at some early day is not worthy of the prudent and honorable consideration of the friends of republican government. It is the certainty that you would be impressed with such pretensions which has brought forth those machinations of rival and jealous spirits against me with which you have been assailed."

Such intense partisanship as Coxe's letters reveal made plain the cause of his dismissal by Adams. Holding the opinions he did he could not have been a faithful officer in the administration of a Federalist.

While Adams dismissed a few men like Coxe because of their extreme partisan conduct, he did not deem that political services alone constituted a claim to office. That the general opinion was not favorable to the appointment to office of persons who belonged to a different political school from the administration is clear enough, but the doctrine that mere efficient party work should be rewarded by office does not appear to have been prevalent.

GAILLARD HUNT.

## NOMINATING CONVENTIONS IN PENNSYLVANIA

A NATIONAL nominating convention and all that such a system of delegated authority implies was the outgrowth of state conventions. In many states self-nominations, caucuses and mixed caucuses mark the steps toward a regular representative nominating body. In Pennsylvania, however, while these agencies existed, and at times exerted their influence in the above order, just the reverse was manifest in the first efforts to select a general ticket. Two state conventions composed of duly elected delegates appeared as early as 1788. From that time there was a decline through the mixed caucus to the pure caucus, which by 1800 became a thoroughly organized system for making state nominations. The circumstances which led to the organization of the first nominating convention at Harrisburg, September 3, 1788, grew out of the opposition to the ratification of the Federal Constitution. This opposition found certain local conditions which led it unknowingly toward the development of a representative convention. These conditions were, first, a county-township system of local government, which offered the opposition an opportunity to organize through the township and county into a state protest; second, the pressure of an "over-mountain" or trans-Alleghany population whose bitter hatred of eastern customs and especially of Philadelphia aristocracy had much to do with dividing the state politically; third, the existence of two local political parties whose differences were fed by radical and church prejudices.

The formation of the state constitution of 1776 by the war party in Pennsylvania aroused considerable opposition among the less excitable and peace-loving element. They complained that the constitution was hastily formed and not duly ratified. They felt that it was framed by a body representing only a minority in the state, since many Friends and some Germans who had formerly been active in public affairs had withdrawn from politics. This opposition found little or no expression during the Revolutionary War. It promptly appeared, however, with the peace of 1783. It secured active reinforcement from the late neutrals, from the Friends and Germans, and from the commercial interests of Philadelphia. The party called themselves Republicans and demanded a new state constitution. They objected to the undue patronage which the war constitution placed in the hands of the Supreme Executive Council, and to the

absence of restraints, checks and balances.<sup>1</sup> They were sure that while the constitution of 1776 might be endured during war it could not be tolerated in times of peace. It would jeopardize the commercial interests of the State and tend "to rash, precipitate and oppressive proceedings." The opposition to the Republicans took the name of "Constitutionalists." They had been instrumental in making the constitution of 1776, and they would defend it. Did it not carry us through the long and oppressive war with Great Britain? How then could any one be so unpatriotic as to trample on it now? Surely this opposition must be in league with England and is conniving to overthrow our dearly-bought freedom. The "Constitutionalists" were most largely represented by the trans-Alleghany people, the Scotch-Irish and the more rural population, who were slow to forget their quarrel with England. When the Federal Constitution came before the people for ratification the "Constitutionalists" saw in it an organized plan to rob them of their highly prized liberty. Here was a blow at their individual rights and local privileges. The Federal Constitution was, in spirit, opposed to the state constitution. The Republicans now became the Federalists, and stigmatized the "Constitutionalists" with the term "Anti-federalist." The hurried procedure on the part of the Federalists toward ratification fully convinced the Anti-federalists that the Constitution would not bear deliberate inspection, and, that if they would save the country and its liberties, they must organize their opposition. As soon as six states had ratified and there was a probability that three more would imitate their example, a voice was heard from western Pennsylvania, in April, 1788, suggesting organized opposition. It declared that committees of correspondence are "now engaged in planning a uniform exertion to emancipate this State from the thralldom of despotism. A convention of deputies from every district will, in all probability, be agreed upon as the most eligible mode of combining the strength of the opposition."<sup>2</sup>

Cumberland county was the first to respond to this sentiment. Late in June, as soon as it was learned that ten states had ratified, a county meeting, composed of delegates from the townships, was held. Here a circular letter was prepared and sent to those interested in other counties, urging "that such persons as shall be deemed fit" shall call meetings of delegates from the townships, who in convention assembled shall appoint a number of persons "to represent the county in a general conference of counties of this Com-

<sup>1</sup> McMaster and Stone, *Pennsylvania and the Federal Constitution*, pp. 21, 22.

<sup>2</sup> From XVIIIth letter of "Centinel," in *The Independent Gazetteer, or Chronicle of Freedom*, April 9, 1788.

monwealth, to be held at Harrisburg on the third day of September next (1788)." The primary purpose of this call was to organize a concerted effort either to revise the Federal Constitution or to formulate another compact. The secondary purpose was to select delegates who would place in nomination, at the state convention, eight candidates for the new Congress, and also name the electors who should represent the Anti-federal party in choosing a President and a Vice-President.<sup>1</sup> The letter was circulated through committees of correspondence, and other counties promptly responded. In Bucks the township primaries were called by private invitation, circulated only among those interested. The general opinion in the east favored amendments until the Constitution could be legally revised. The western counties, with few exceptions, demanded revision, or a new constitutional convention. The appearance of Clinton's circular letter from New York, which reached Pennsylvania before all the county meetings had been convened, no doubt exerted considerable influence in determining their attitude upon the matter. This is most noticeable in the resolutions which came up from Fayette county with Albert Gallatin, a delegate. They declared "that in order to prevent dissolution of the Union, and to secure our liberties and those of our posterity, it is necessary that a revision of the Federal Constitution be obtained in the most speedy manner." The safest method to obtain such revision was announced to be "in conformity to the request of the State of New York." An effort was made to secure the concerted action of other states, and in order to accomplish this it was exceedingly important that the Anti-federals secure a strong representation in the new Congress. Delegates to the state convention were accordingly selected for this purpose.<sup>2</sup>

The convention met in the village of Harrisburg on the third of September, 1788. Of the nineteen counties in the state thirteen were represented. There were thirty-three delegates in all, including those from the city of Philadelphia. Twenty-one members came from east of the Susquehanna river, and twelve from the western counties. The most important question before the convention was that between revision and amendments. The eastern sentiment prevailed, and efforts to convene a new constitutional convention were suppressed. A series of resolutions was passed suggesting amendments, a strict construction of the Constitution, an increase of the apportioned number of representatives, liberty for state assemblies at any time to recall or appoint their senators, and that direct taxes due to the national government shall be obtained by quotas,

<sup>1</sup> See *Independent Gazetteer, or Chronicle of Freedom*, Sept. 15, 1788.

<sup>2</sup> See McMaster and Stone, *Pennsylvania and the Federal Constitution*, pp. 552-558.

directly from the several states. As soon as the extreme views were compromised, the more radical element in the convention immediately fastened their hopes on the secondary purpose of the conference, *i. e.*, the nominating of congressmen and electors. Eight Anti-federalists were first named for Congress, but the objection was raised that such a selection would not properly represent the state. At this time the idea that a ticket should represent a party was not entertained. A compromise was effected here also, and two Federalists were nominated. These names, together with those of the ten electors suggested, were carefully protected from undue publicity, and circulated by letters of correspondence among Anti-federalists only. The list was not mentioned in the public prints until November, when the Federalists, in order to advertise their own convention, commenced ridiculing the Harrisburg conference.

As soon as the leading Federalists learned that a meeting had been held at Harrisburg, that an effort had been made to secure a new constitutional convention, that the provisions of the new government had been severely criticised, and that a ticket for Congress and electors had been named, their wrath knew no bounds. By what authority did these men set themselves up to censure the Constitution? What right had they to name a ticket to represent the people of Pennsylvania? Surely these "Constitutionalists" must be bent on treason. If such men are to rule, who then will save us from paper money, tender laws, Indian incursions, mobs, anarchy, poverty, civil war, or even the galling yoke of Great Britain?<sup>1</sup> Another ticket must be prepared for the people. By letters of correspondence, a series of county meetings was called, "to take the sense of the people upon who should receive their franchises for representatives in Congress and for electors." These county meetings differed from those held by the Anti-federalists in having no delegated township representation. They were thoroughly advertised in the newspapers, and with flaming posters on the trees and at the cross-roads. All were welcome. It was the typical Southern mass-meeting. Districts near were largely represented, those more remote were often not represented at all. Everybody was at liberty to nominate. The confusion which resulted led some counties to appoint a nominating committee, which, after withdrawing, would report several names to the general body from which the latter might select. This method was most probably taken from a custom then in vogue in the business meetings of the Society of Friends, in which, for important services, nominating committees were appointed to bring

<sup>1</sup> *Pennsylvania Gazette*, Nov. 19, 1788.



forward names of suitable persons to serve the meeting. Something of the same method appeared when the Philadelphia town-meeting attempted to impose limiting instructions upon its delegates. A committee was appointed, composed of members from the different wards, which was to bring forward, at a future meeting, the names of six suitable persons from whom their delegates at Lancaster might make a selection. Any of the six were considered proper persons to represent the city in the new national Congress. Six names were also selected in the same manner, and recommended to the delegates as suitable persons to be chosen electors.<sup>1</sup> The town meetings were convened before these reports on limited instructions were approved by popular acclamation. This method does not appear at the time in any of the county proceedings. Their instructions were more general. Ability, character and zeal for Pennsylvania's interests were the chief qualities demanded in the resolutions drawn up at these conventions. It was generally urged that the candidates for the positions should be men of ample means.<sup>2</sup>

The Federal convention at Lancaster was convened for no other purpose than to name a ticket. Thirty members were present, representing five more counties than at Harrisburg. The nominees were all Federalists. In selecting the eight congressmen-at-large an effort was made to represent the state geographically. The chief interest of the campaign was centered upon the congressional nominations. The Federalists sought to draw down ridicule upon the Harrisburg convention and its methods. The action of neither convention was considered binding. The Anti-federal ticket, since it contained two Federalists, promised to become more popular. This encouraged the party leaders, who, through the public prints, removed two more of their own men and substituted in their stead two Federalists, thus dividing the congressional ticket equally between the two parties. The Federalists, seeing defeat for them in this movement, immediately proceeded to remove two of their own number nominated at Lancaster, and put in their place the two Federalists selected at Harrisburg. This politic move won for them the victory, and eight Federalists, representing a fusion of the Lancaster and Harrisburg nominations, were elected. These two conventions of 1788 were secured by adopting methods then prevalent in the two leading religious organizations in the state. The Presbyterian method of selecting delegates to a general synod no doubt suggested the means of calling the Harrisburg conference. The

<sup>1</sup>From *The Pennsylvania Packet, or Daily Advertiser*, Oct. 20, 1788.

<sup>2</sup>From *The Pennsylvania Packet, or Daily Advertiser*, Oct. 17 and 21, 1788.

Friends' custom of sending out nominating committees was employed in choosing the members of the Lancaster convention.

The period from 1788 to 1804 marks a most singular rise and fall of nominating methods. It was during this period that state conventions were outgrown and smothered by the caucus system; at the same time the county convention was brought to a remarkable degree of proficiency. The growth of the one and decline of the other, side by side, during the same years, participated in by the same men, is an interesting phenomenon in the development of democratic institutions. The intense excitement which made the conventions of 1788 possible soon disappeared. The new state constitution of 1790 reorganized the political factions in the commonwealth. The Constitutionists were no more. The distinction between Federalists and Anti-federalists was not tightly drawn upon state issues. The nominating methods of 1788 were not considered binding upon either party. The difficulties in holding a state conference were numerous and serious. There were few, if any, good roads in the commonwealth. Crossing the mountains was a serious and dangerous undertaking. Indeed, it was no uncommon thing for men to make their wills before starting to a state convention. These considerations led, in 1790, a group of prominent Federalists, members of the state constitutional convention and the assembly, to suggest that a meeting of those interested be called before the two bodies should adjourn. At this meeting General Arthur St. Clair was nominated for governor and a circular letter was issued announcing that this selection was made by men representing every part of the state.<sup>1</sup>

These proceedings aroused the active resentment of the Anti-federalists and the anti-aristocratic feeling of many in the convention and the assembly. What right had a few self-appointed men around Philadelphia to dictate to the freemen of the state and name their governor? St. Clair was not nominated by a representative body. These men did not compose an eighth part of the convention and the assembly. The greatest crime of all, however, in the eyes of the opposition, was that they could not agree in the caucus.<sup>2</sup> Another meeting was immediately called. It was composed of Anti-federalists judiciously selected from the two bodies. They nominated General Mifflin, the late president of the supreme executive council. Here was a meeting, they declared, which *did* represent the various parts of the state, and since their decision was unanimous Mifflin was the only legitimate candidate. An interesting

<sup>1</sup> From *Pennsylvania Gazette*, September 15, 1790.

<sup>2</sup> *Ibid.*



campaign now sprang up, in the effort to secure the ratification of one or the other of these nominations before the county meetings. The result was most commonly decided by the faction which could secure the largest attendance. The contests in these meetings all turned upon considerations of the legality or illegality of these caucus-like nominations. It is interesting to note that during the entire campaign no mention was ever made of a caucus. These gubernatorial nominations of 1790 planted the seeds of the caucus method. The conventions of 1788 planted the germs of delegated authority.

By 1792 the Federalists were largely in the majority; upon the proper method of nominating they could not agree. The "Conference men" declared that the methods of 1788 represented the only constitutional means of selecting candidates. The "Correspondence men," deeply imbued with a sense of the efficacy of the methods used in 1790, maintained that a convention was unnecessary. They would send out circular letters to the prominent men in various parts of the state, asking for the "sense of the people" upon the proper character to nominate. From the lists returned a ticket could be formulated which would more truly represent the will of the people than any convention possibly could. This split in the Federal party resulted in the complete absorption of the Anti-federalists. They joined the faction which most nearly agreed with their local prejudices. This remarkable division upon methods of nominating sprang up in Philadelphia, where the Federal majority was the largest. From July until September, 1792, it was fought out in the ward and town meetings. Turbulence, disorder and even riot prevailed. If one faction secured the chairmanship it became the delight of the other party to break up the meeting. "The Conference men" reported in favor of a state convention at Lancaster composed of delegates selected at the various county meetings. The "Correspondence men" reported in favor of letters of correspondence and of submitting the lists secured in this way to the county meetings, by which a ticket could be selected. This carried the war into the county meetings. These, with one exception, were the typical Southern mass-meetings. Hither came conference and correspondence men. The Federalists and Anti-federalists forgot all national distinctions as they divided upon this issue. Here came the men newly enfranchised under the constitution of 1790, men intoxicated with a recently acquired prerogative. In these county meetings was a seething mass of diverse sentiment; here was democracy in the nascent state, in that vigorous and buoyant period of youth when growth was rapid. These recently enfranchised men declared that the right to nominate was as much theirs as the right

to vote. Although they largely represented the turbulent, lawless and even riot-tinged element, they maintained with tender jealousy an unflinching protest against slated tickets and caucus methods. They made nominating conventions possible. Both reports were debated and fought over in these meetings. Each faction was there with a series of resolutions to be approved. Whichever party could secure the greatest amount of Anti-federal aid captured the convention. Occasionally two county meetings were held, as in Montgomery county. This resulted from the fact that the "Conference men" succeeded in holding a meeting composed of committees from the townships. The "Correspondence men" declared that no committee could represent a township, that mass-meetings were the only final tribunal to pass upon these reports.

The result of these county meetings was a state convention at Lancaster, held by the "Conference men." This was the last convention of its kind in the state for twenty years. The Anti-federalists, who initiated representative conventions in 1788, furnished the means of their death in 1792. Although the state had just been divided into congressional districts, the candidates were still named at large. Thirteen men were nominated for Congress and fifteen for electors. The convention was largely Federal. The correspondence faction, through a state committee, sent out five hundred and twenty letters. Replies were received from seventeen out of twenty counties. Forty-three names of Federalists and Anti-federalists composed the list. These names were submitted to a second series of county meetings, where a selection was made and reported to the state committee. By this means a ticket was finally brought into proper dimensions.

One of the important causes producing the decline of conventions and assisting in the growth of the caucus was the fact that a ticket when made in a convention did not stand. It was customary for election districts, usually composed of several townships, to hold local campaign meetings and shuffle the tickets, *i. e.*, select from each list such names as they desired and recommend them by a series of resolutions. The forty-three names published by the state committee of correspondence, and the ticket of thirteen nominated at Lancaster were now taken up and shuffled into as many combinations as there were meetings and committees for that purpose. For over two weeks scarcely a day passed without a new congressional ticket appearing in the public prints. It was not Federalism or Anti-federalism so much as conference or correspondence methods of nominating which marked the congressional issue. The two tickets finally appeared with six names, the same on each; these



were considered representative men above party bias. Then followed their respective conference or correspondence leaders.

The campaign of 1792 weakened the cause of popular conventions. The Lancaster conference represented the convention ("conferee") idea as it then existed in each of the two parties. Henceforth the majority party clings to caucus methods, while the minority struggles for popular conventions. Indeed the growth of modern nominating machinery, from the primary to the national convention, arose from its recognized efficacy in concentrating the strength of the minority. And in the fertile brain of the minority were its devices originated. Caucus methods in Pennsylvania originated in the gubernatorial nominations. The constitution of 1790 placed a large amount of patronage in the hands of the governor. He practically appointed all the county officers, including the numerous magistrates. It was an easy matter for the incumbent, if caucus methods might be employed, to have himself renominated by the retiring members of the assembly for as many terms as the constitution would permit.

In 1793, under cover of an unusual excitement over French foreign affairs and the depression caused by the yellow fever in Philadelphia, Mifflin was renominated by a pure legislative caucus, the first in the state. Indeed a large number of the peace-loving citizens looked upon this as a more respectable method than the mob meetings of 1792. It was not considered so great a crime for a caucus to renominate a governor as to name the congressman. By 1796 the congressmen were nominated by counties and districts, thus turning the people's attention from state to county conventions.

The Anti-federal assemblymen, remembering the quiet caucus which nominated Mifflin, determined to compromise popular sentiment and hold a mixed caucus to select electors. Several prominent citizens were invited from various parts of the state and also the Pennsylvania members in the United States Congress. These, with a select body of Anti-federal assemblymen, proceeded to make an electoral ticket. The Federalists nominated their electors in the same manner, except that no mention is made of United States Congressmen having been invited to the caucus.

The people took but little interest in the nominations of 1796. Their right of being represented in the nominating body was resigned without much protest. These mixed caucuses of 1796 became the stepping-stone from the delegated conventions of 1788 and 1792 down to a pure caucus in 1800. By this time the Republicans (Democrats) had a majority in the assembly, the Federalists in the state senate. The Republicans for four years had been petitioning

the legislature to pass an enactment districting the electors. Their failure in this aroused general indignation. What right, they asked, has the legislature to refuse to make provision for the popular selection of electors? Such indifference was unconstitutional. These privileges ought to flow from the choice of the people. These were Federal attempts to usurp the liberties of the people and must be suppressed. This protest from the minority party led to a compromise. The assembly (Republican) selected eight and the senate (Federal) seven of the fifteen electors. By this means Pinckney, the Federal candidate for President in 1800, secured seven votes from Pennsylvania. This was the last protest against the caucus. In 1804, when the Republicans were in the majority, they forgot their appeals of 1800 and assumed the pure caucus privileges without any qualms of conscience.

Since the conventions of 1788 three presidential campaigns had intervened. The methods of nomination had been: Conference or correspondence in 1792, mixed caucus in 1796, joint vote of the legislature in 1800, and a pure caucus in 1804. For several years popular interest had been centered upon county conventions. Anti-caucus sentiment found its life among the people. By the time when the pure caucus appeared in state matters thoroughly organized county conventions with delegated representation from the townships and thoroughly equipped county committees were common.

The first county meetings were of the Southern mass-meeting type, the largest attendance, of course, coming from the districts nearest the county seat. Township representation was secured by appointing a committee composed of citizens present representing the various townships. This custom probably originated in the town meetings of Philadelphia, where a "ward's committee" was appointed from the wards represented and was sent out as a nominating committee. The township primary meeting appeared in embryo in 1788, when the Anti-federalists urged each township to convene such persons as were "deemed fit" and select from the number suitable persons to represent them in a county meeting. The primary meeting grew in counties where the two dominant parties were nearly evenly divided.

The Montgomery county Federalists, in 1792, being slightly in the minority, held township meetings and appointed committees to attend the county meeting which sent delegates to Lancaster. The Anti-federalists, or the correspondence faction, held their county meeting and advertised that no township committees were expected to attend. Two years later (1794) seventeen townships and one borough were represented at the county meeting. The credentials



of the delegates were verified and none but those who had been duly elected at a township meeting were admitted.<sup>1</sup>

As soon as the Republicans obtained the majority in Montgomery county the further development of the county meeting ceased and was taken up in Chester county, where the Federalists were slightly in the majority. In 1794 three nominating county meetings were held; a mass meeting was held at Marshalton to nominate county officers, an inter-county mass meeting at Dilworthtown, composed of the "electors" of Chester and Delaware counties, to nominate a congressman to represent the two counties. The third meeting was held at West Chester, September 16th, for the purpose of selecting conferees who should meet those from Bucks and Montgomery counties and nominate four candidates for state senate. Although Chester county was still strongly Federal, it was thought that the Republicans might carry the three counties for the state senate if the nominations were carefully made by representative bodies. This was considered especially necessary in Chester county. Township meetings were accordingly held and committees of two were sent to the county meeting. Each township was permitted to have but one vote in the convention. No serious objections were offered to the delegated powers exercised in this meeting, since it was called for a special purpose.

By 1800 delegated representation became an established feature; at the same time the people looked upon the county mass-meeting as the only final tribunal. Nominations must be referred to these mass-meetings for approval. It was at one time proposed in Chester county to refer the nominations made in a convention of delegates, to the people assembled in mass-meeting in each election district. Since these districts were often large, objections were offered to this referendum. A compromise was accordingly effected and the citizens' county mass-meeting and the convention of delegates were convened the same day. All assembled in mass-meeting and effected an organization. Then it was resolved "unanimously that this meeting" (the citizens) "withdraw for a space of time, so as to afford sufficient room and every other opportunity to the committee" (delegates) "to accelerate the important duties for which they have been chosen and convened."<sup>2</sup> These delegates effected another organization and made nominations for all the offices at their disposal, except such as were selected by conferees. The ticket thus framed was presented later in the day to the people's convention for approval or disapproval. This referendum was in vogue in Chester

<sup>1</sup> *Pennsylvania Gazette*, Oct. 10, 1794.

<sup>2</sup> From *Aurora*, Aug. 31, 1802.

county until after 1803. Its suppression caused a temporary division in the Republican party. A similar method was continued in Philadelphia, where the nominations made at the meeting of the wards' committee were referred to a general town-meeting for approval. Some modification of the same feature appeared from time to time in a few of the other counties. In the growth of local democracy this referendum reveals a stubborn reluctance on the part of freemen to resign a popular privilege into the hands of a few. They believed that such matters should find their ultimatum in the will of the people. The county committee was an outgrowth of the committee of correspondence. The people objected seriously to self-formed committees. What right had a few men to form themselves into a committee and call a convention? It soon became customary to elect a committee at the county meeting to serve for one year. Chester county at one time had four committees: (1) a corresponding committee, composed of two men in each township; it was their duty to call and conduct the township primaries; (2) a "major committee," composed of six citizens in each township, whose duty it was to furnish tickets and to conduct the elections; (3) the representative committee, composed of the delegates, whose duty it was to form a ticket; (4) a permanent committee, composed of five prominent citizens at large; it was their duty to keep the records, look after the printing, and enter into correspondence with other counties and the general committee at Philadelphia. It was from a union of the features found in the permanent committee and the correspondence committee that the modern county committee was formed. The selection of conferees to confer with those of other counties, in order to nominate a congressman or a state senator, was one of the most potent factors in forcing the people to delegate their authority into the hands of others.

Almost from the beginning of the conferee system it was customary for the convention to pass resolutions instructing their conferees. Difficulties soon arose because candidates would not abide by the decision of the conferees' committee. The defeated candidate would, in many instances, conduct a campaign on his own account. This led, as early as 1801, to a concerted effort compelling candidates to pledge themselves to abide by the decision of the conferees. The pledging was done in the presence of the convention where the conferees were selected. The instructing of delegates and the pledging of candidates were features brought into prominence by the system of conferees. Self-nominations for county offices were common until about 1800. Frequently as many as six or eight candidates

<sup>1</sup> From *Aurora*, Oct. 4, 1803.



had their cards before the public for the same office. If one of them secured the endorsement of his party in county mass-meeting it did not deter the others from continuing as candidates. The office of sheriff in the city of Philadelphia was exceedingly profitable. The Republicans in 1800 perceived that unless some method was adopted to diminish the number of candidates a Federalist would secure the office. Previous to this time party politics had not seriously affected county positions. The Republicans, having the majority, were determined that no Federalist should hold a position of profit. A special meeting was accordingly called in November, 1799, to devise some method to reduce the number of candidates for the shrievalty. At this meeting a committee was appointed to consider the matter. This committee met with all the candidates and proposed that each man choose from among his firm friends seven persons who should represent him in a future meeting. Four candidates pledged themselves to abide by the decision of this committee of twenty-eight. A candidate was finally selected after considerable wrangling and ill-feeling. The applicants for the commissionership were instructed to select three men to compose the committee to chose one of their number for that office. So many complications arose from this method that in 1801 the ward's committee suggested sending the candidates out to select from among themselves some one whom they all could support; if they could not agree they were pledged to leave the selection to the ward's committee. Of course, they could not agree and this threw the selection of county officers into the hands of the ward's committee. As a consequence the struggle for these positions was shifted from the general election into the county meetings and finally into the primary meetings.

The perfecting of the county convention and the division in the Republican party gave birth to a new anti-caucus sentiment by 1805. The patronage placed in the hands of the governor by the constitution of 1790 led the dissatisfied to believe that a change in the executive would cure their troubles. Consequently, when McKean was nominated in 1805 for the third time by a pure caucus, the opposition, composed of Federal Republicans, or Quids, and some Federalists, nominated Simon Snyder by using the correspondence methods of 1792.

The county convention was considered by the people the final tribunal upon a state nomination. Each faction now placed the name of its nominee and its method of naming him before these county meetings, and a caucus and anti-caucus campaign was fought over in a similar manner to that of the correspondence or conference struggle in 1792. This led to a discussion in 1807 of the evils of

caucus methods. Counties whose representatives on the conferees' committee had been slighted or ignored took up the subject with vigor. The Federal Republicans and several Federalists united in the movement. Resolutions were passed in county meetings urging that the nominations for 1808 be made in a state convention, composed of as many men as constituted the assembly, and that under no circumstances should this convention be composed of men who held an office of profit under the governor. Indeed it was demanded that they should pledge themselves not to hold such position for three years after the convention.

When the campaign of 1808 opened the leaders thought it best to crush all such anti-caucus sentiment, or, failing in this, to compromise with it. It was unconstitutional for McKean longer to retain his office, three terms having now expired. Snyder could easily be nominated by a Democratic-Republican caucus if the party quarrels could be healed, and since the Federalists were going to nominate a ticket immediate union with the dissatisfied element was necessary. This was affected by a compromise. The Democratic-Republican state committee met with the legislative caucus. Minority counties, with no representation in the assembly, were permitted to send delegates to this caucus or quasi-convention. This body nominated Simon Snyder for governor, April 30, 1808. They also collected the presidential electors and instructed them to support Madison for President. This compromise silenced the anti-caucus element in the party.

The presidential nominations of 1804 were the only pure caucus nominations which were unopposed. By 1808 the Federalists were talking against caucus nominations of presidential electors. This fact made it very much easier for the Democrat-Republicans to gather these anti-caucus prodigals home under the parental roof. Indeed this fact split the Federal party temporarily. The Constitutional Federalists (those favoring a new state constitution) held a pure caucus at Lancaster and nominated John Spayd for Governor. The stalwart Federalists spent all their energies in criticising Spayd and all caucus nominations.<sup>1</sup>

This shifting of the anti-caucus sentiment into the ranks of the Federalists led the Republicans to exert every effort to heal their old party division. Duane was now leading the anti-caucus faction in the party and advocating a state convention in 1811. This sentiment must be crushed if Snyder was to be renominated. Accordingly the war party brought out their political whip and succeeded in silencing all public agitation of the subject. Simon

<sup>1</sup> See Poulson's *Advertiser*, July 7, 1808.



Snyder was nominated by a pure legislative caucus in 1811. The anti-caucus men among the Federalists saved their ammunition for the presidential campaign. They struggled to make this the issue with the entire party and succeeded by posing as the peace party and thus securing several anti-war Republicans. The war party nominated their electors at a pure caucus. The peace party called a state convention to meet at Lancaster on September 24th. This movement started in the York county convention, where resolutions were passed favoring a state convention to select electors, who were instructed to vote for De Witt Clinton for President, and Jared Ingersoll for Vice-President. The Lancaster county convention endorsed the action of York county, and, after passing resolutions condemning caucus methods, named their preference for elector to represent Lancaster city.

The peace party in the different counties now followed this example, selecting delegates and instructing for electors. This produced the first state convention since 1792. It was held at Lancaster, September 24, 1812. Many of the county meetings which sent delegates were the old-fashioned mass-meetings without township representation. This was due to the fact that the Federalists adopted the methods of the Republicans with reluctance.

From this date, the anti-caucus sentiment was united on both gubernatorial and presidential issues. It appeared in 1816, uniting the anti-Monroe and anti-Snyder factions. A state convention, similar to that of 1812, was held. Counties which were unable to send delegates were urged to send their instructions in writing. The convention, therefore, involved a combination of the conference and correspondence ideas of 1792. Since it was impossible to agree upon instructions for the electors, it was simply resolved that Monroe was not the unanimous choice of the state. The Monroe Democrats supported the electoral ticket made by a pure legislative caucus.

The presidential campaign was overshadowed by the approaching gubernatorial contest of 1817. Snyder's three terms had expired. The anti-caucus faction was now known as the "Old School Democrats," while the caucus men were called "Patent Democrats." The remnant of the Federalists was divided. As soon as it was ascertained that the "Patent Democrats" were arranging to nominate Wm. Findley in caucus, the opposition flew into the wildest excitement. A caucus was bad enough, but a caucus "cut and dried" was intolerable. A state convention must be held on the same date as the caucus, March 4th, at a place far from the "intrigues of

the Executive and his servants, the Assemblymen." Carlisle was chosen as the best location. County meetings were held all over the state during January and February. Mifflin county instructed for a character of honesty, integrity and sound Republican principles. The members of the Berks county convention pledged themselves to oppose any candidate nominated by a Harrisburg caucus. They also sent instructions to their representatives in the legislature, not to attend the caucus on penalty of being considered "unworthy of the confidence of the people of the county." Three counties were represented at Carlisle by written instructions only. Six names were placed in nomination, though it was generally understood that five of them would withdraw. Joseph Heister was nominated unanimously. The convention declared itself in favor of rotation in office as essential to the safety of a free people.

The "Patent Democrats" sought to compromise with the anti-caucus element by holding a mixed caucus. It was composed of assemblymen, office-holders and the warm friends of the two candidates, Findley and Boileau. But the day had gone by when any such compromise could silence the anti-caucus agitation. The personal bitterness of the campaign only gathered fuel for the combined state and national contest of 1820.

The Old School Democrats now assumed the name of Independent Republicans. The anti-caucus protest and rotation in office were the chief planks in their platform. These were the twin giants who were to cleanse the Augean stables of political corruption. The chief instructions at the county meetings were to elect anti-Findley men. March fourth was found to be an unpropitious season of the year to secure a large delegation. Twenty-nine men met at Carlisle and placed twelve names in nomination *viva voce*. It was the general opinion that the more names they could propose from which to make a selection, the more Democratic would be the proceedings. Joseph Heister received all the votes but one.<sup>1</sup> The electoral ticket was made but not announced. The Findley party held a mixed caucus, but convened it at Lewistown in order to secure more popular approval and a large attendance. This was a compromise with the popular antipathy to any nominations emanating from Harrisburg.

Three years later the state executive was again open. Joseph Heister, being true to the principles of his party, retired. The original Democratic Republicans, recently known as Patent Democrats, the caucus faction, now realized that if they were to secure the governorship they must compromise with the anti-caucus faction,

<sup>1</sup> *Aurora*, March 8, 1820.

the Independent Republicans, in a more decided manner than they had ever done. Indeed, if they could but retain the shadow of a caucus it would be an entering wedge when this inane excitement should die away. They accordingly fell in with the anti-caucus men in holding county meetings and selecting delegates for a rousing state convention to be held at Harrisburg, March 4, 1823. In this convention, minority counties not represented by regularly chosen delegates were allowed to be represented by the required number of their representatives in the assembly or the senate.

Of course the caucus element was largely in the minority in this convention. Both factions were represented. Here was a convention with a contest. They balloted all day without making a choice. That evening a combination was made, and the next morning John Andrew Shulze was nominated by a vote of 95 to 36.<sup>1</sup> The Federalists in the convention, together with the Independent Republicans, immediately saw in this nomination the hidden workings of a caucus. The caucus ferment in the convention spoiled the entire mass. This was nothing but a machine to make governors, a trick to fool the people. They would submit to nothing of the kind. A pure nominating convention must be held. This was accomplished at Lewistown, May 15th.

After this date all conventions for state purposes were free from caucus intrusion. In 1824 the Independent Republicans, now called Andrew Jackson Democrats, held a pure nominating convention composed of one hundred and twenty-four delegates. At this meeting it was decided that no elector had a right to bolt their instructions. The caucus party called a pure nominating convention also, and instructed their electors for Wm. H. Crawford. The dying gasp of caucus methods appeared in one of their resolutions, which declared that they favored congressional caucuses as a means of nominating presidential candidates. This was done for the purpose of gathering votes from both parties.

The campaign of 1824 removed the last vestige of caucus methods. The state was now ready to join her sister states in securing a national convention for presidential nominations.

JOS. S. WALTON.

<sup>1</sup>From *United States Gazette and True American*, March 7, 1823.

## REPRESENTATION IN THE NATIONAL CONGRESS FROM THE SECEDING STATES, 1861-65

### I.

THE following paper deals with a small part of a very large subject. It is limited in two directions, in time and in scope. It ends just as Congress was about to constitute the Joint Committee on Reconstruction. It does not discuss the report of that committee ; much less the laws that followed. It does not even discuss the earlier proposition in Congress, made in the form of bills for the better governing of the seceded states, or of resolutions setting forth the true relations between the national government and the seceding states. Interesting and valuable, doubtless, from some points of view, none of them were ever passed to be laws ; none were ever applied practically.

Moreover of all the various relations existing between the several states and their citizens on the one hand and the national government on the other, only those with the national legislative are here discussed, and these not in full. The discussion is strictly limited to the cases in which the respective houses of Congress judged the qualifications of applicants for membership from the states in insurrection. The results are made public in the hope that they may prove of some little interest to students of United States history since 1860 ; and in the further hope that they may prove of some service as one introductory chapter to the study of reconstruction.

Ten times in the Senate and more than thirty times in the House of Representatives, during the Thirty-seventh and Thirty-eighth Congresses, was application made for admission by men claiming to represent some portion of the territory then in insurrection against the national government. Full lists of the cases with the disposition made of each are given in notes at the end of this article and of its continuation respectively. The body of the papers will be limited to an analysis of the typical cases in order to present the principles and interests involved.

The point of view is necessarily and exclusively that of the national government. In a considerable portion of the territory over which it held sway, its authority had of a sudden been resisted and defied ; there was rebellion, the organization of a hostile government and attempted revolution.

Some of the states were in full possession of the hostile power before the national government could move. Its first step was to check the progress of secession. Maryland, Kentucky and Missouri were saved after a struggle. The next step was to recover lost ground. West Virginia had been promptly and completely recovered; and after a while Louisiana, Tennessee and Arkansas were regained beyond successful military dispute. The longer and more stubborn the resistance, the more difficult and risky the reconstruction. It is impossible to refer here to the work of the executive department of the government in reconstruction, or to describe the progress of the army and the work that was accomplished in its rear—establishing civil order and local government, opening the courts and starting business. Our attention must be confined to the action of the two houses of Congress on the question of filling the vacancies in their ranks by the admission of members from the states and districts which had seceded.

One general remark in passing: Some of the applicants for membership came representing districts which honestly and fully repudiated secession and secessionists. In other cases the desire of the applicant for office and the emolument thereof is more apparent than either the desire or the worthiness of the district to be represented. These are the extreme cases; others lie between.

The chairman of the House Committee of Elections in both Congresses was Mr. Henry Dawes (Rep.) of Massachusetts, later senator from that state. Of the nine members, six were Republicans and three Democrats, Mr. Voorhees, of Indiana, being the leader of the minority. In the Senate Mr. Lyman Trumbull (Rep.) of Illinois was chairman of the Committee on the Judiciary, to which all election cases were referred, with four Republican and two Democratic associates.<sup>1</sup>

When the Thirty-seventh Congress met in extra session, July 4, 1861, four congressmen appeared from Virginia, one from the district opposite Washington, including Alexandria, and three from the western portion of the state, out of which the state of West Virginia was afterwards formed. Mr. Dawes made a statement concerning the election west of the mountains. In brief the situation was this: In view of the near approach of the regular congressional election, the Richmond convention forbade the election of federal congressmen. There was no official call; but an election *de facto* was held on the regular day, May 23, and was part of a movement by which the people of the western counties were proceeding to repudiate the

<sup>1</sup> But when Jas. A. Bayard (Del., Dem.) resigned from the Senate, Jan. 29, 1864, his place on this committee was taken by Reverdy Johnson (Md., Rep.).

action of the Richmond convention and to form *ab initio* a state government composed of loyal men. The vote was taken in the midst of much partisan excitement. But "no serious breach of the peace occurred."<sup>1</sup> The vote was only moderately full, but the applicants received a majority of the votes cast. On this showing, Messrs. Brown, Carlile and Whaley were admitted to represent the tenth, eleventh and twelfth districts, respectively, and they immediately qualified and took their seats.

So also did Mr. Upton, from the seventh, the Alexandria district, whose case was not distinguished from the others at this time. Several days later, however, a member questioned his title to a seat and his case was referred to the Committee of Elections, which reported during the long session. The question was raised whether he was a citizen of Ohio or of Virginia at the time of his election. But the case was decided on another point. Only a small fraction of his district was loyal or at least able to show its loyalty. It was constantly threatened by the Confederate army and part of it had been occupied by them on the day of the alleged election. The election was called by the secession authorities for the choice of state senator and delegates to Richmond and was held on May 23. A document purporting to be a copy of the poll-book of one precinct (voting in Virginia at that time was *viva voce*) showed that ten votes had been recorded for the claimant for representative in the national Congress; but no election officers, secessionist or other, certified to its authenticity. The committee held that there was no proof that any votes at all had been legally cast for him and that he was not entitled to a seat. The report was opposed on the floor of the House on the ground that it was as proper to hold an election in this district on May 23d, as in the western districts, whose representatives had been admitted; that the authority of the Richmond convention should not be recognized either to prohibit or to supervise an election to Congress, and that it was simply a question whether loyal votes had been polled. But this point was covered in the report. The committee had inquired whether enough loyal votes had been polled to make the election a valid one, and had agreed that to seat him on the showing would be a bad precedent. A motion to amend the report by confirming Mr. Upton's title to his seat was voted down, fifty yeas to seventy-three nays (thirty-five Republicans and fifteen Democrats to forty-nine Republicans and twenty-four Democrats). Accordingly he was unseated, February 27, 1862.

Meanwhile the movement to re-establish a loyal state government had resulted in a popular convention at Wheeling; the convention

<sup>1</sup>Hagans's *W. Va. Reports*, I. 54.

had inaugurated a state government, including a legislature; the legislature had met, transacted ordinary business and adjourned. The convention, reassembling, then called an election for the choice of representatives in congress in those districts in which none had been chosen in May. Under this call an election was held in the first district, as a result of which Mr. Segar claimed a seat. The committee held that the convention had "no authority to act in the presence of the legislature." It was convened for the purpose of creating a new state. Its functions ceased the moment the new government took on form and life. The election was, therefore, illegal. They went on to say further that the law of Virginia had not been complied with, and that, finally and decisively, a majority of the voters of the district had no opportunity to participate. Yet Mr. Blair, who was chosen to succeed Mr. Carlile in the eleventh district on the same day and under the same authority, had already been admitted without reference to a committee. Mr. Dawes had insisted, in the face of objections, that this case was clear on its face and in fact and ought not to be referred; and it was, indeed, pretty well known that there had been a full, fair and free expression of the wishes of the district. It therefore appears that the alleged illegality of the call was treated as cumulative with other irregularities in the case of Mr. Segar; and was overborne in the case of Mr. Blair by the fact that there had been a full, fair and free choice in his district, conducted at the polls in essential conformity to law. Still, if the first point made by the committee in the Segar case really means any thing, it is hard to harmonize with it the implied ruling of the House in the Blair case, supported, as the former is, by later rulings; and probably it is not best to try to do so. Mr. Blair's *prima facie* title to a seat was confirmed by the House without an investigation by the committee, an essential difference despite the attitude of the committee's chairman.

Mr. Segar was refused a seat, yeas 40, nays 85 (nineteen Republicans and twenty-one Democrats to sixty-seven Republicans and eighteen Democrats). A little later he returned, having been elected "according to law," by the votes of three counties out of seventeen in the district, including Norfolk city and constituting half the voting strength of the district. The reasoning of the committee was on this wise: The disloyalists must not be considered. Their relative number is important only in determining whether the loyalists acted freely and independently, without fear or intimidation; and this is determined accurately enough in most cases by considering whether the locality was well protected within the Union lines. Not all the loyalists would vote; only a small per cent. in fact.

But those who were free to protest and did not are held to have acquiesced in the choice of the majority of those actually voting; and whoever had a majority of the votes legally cast is taken to be the representative acceptable to the majority of the loyal voters of the localities which participated in the election. But part of the district could not participate freely, being in the Confederate lines or dangerously near them. Could the representative chosen in a part be taken as the representative of those who had not even the opportunity to protest? A calculation would be necessary. An approximate estimate must be made of the proportion of loyalists in the total population of the localities participating. Such estimates were generally given in the evidence submitted in the case. Assuming the same proportion to hold for the whole district, a calculation must be made of the total number whose participation in the election, acquiescence or protest ought to be considered. Assuming further that the same proportion would have voted throughout the district had it been entirely free, an hypothetical total vote for the district could be calculated. Was the total number of votes actually cast for the claimant a majority of this hypothetical total? or if not quite, inasmuch as it would be an extreme supposition that the votes of the rest of the district would have been cast unanimously against him, was his proportion of the votes actually cast so large that it would be entirely safe to assume that, if the election had been actually free throughout the entire district, he would still have had a majority of the legal votes? If so he must be taken to be the representative of the district.

In a computation in which so many factors could be only approximately known, the margin of doubt would necessarily be large. Segar's second election was clearly within it. Of 1,018 votes cast Mr. Segar received 559. The localities participating contained half of the population of the district. In the last preceding gubernatorial election the district had cast 7,986 votes. It was not clear beyond a doubt that he should be considered the choice of a majority of the estimated vote; nor was it clear that he should not be. The committee would make no recommendation, but threw the responsibility of deciding upon the House and asked to be discharged.

The House decided the doubt in the claimant's favor by adopting a motion to seat him, seventy-one yeas to forty-seven nays (thirty-six Republicans and thirty-five Democrats to forty-two Republicans and five Democrats). Mr. Segar took his seat and participated in the proceedings looking to the admission of West Virginia to statehood, which he opposed.

It is noticeable that the Republicans voted against seating him by



a small majority and that the Democrats voted almost unanimously for it, though he was known to be an administration Republican. Indeed it is hard to find any indication of partisan lines, either between Republicans and Democrats or between administration and anti-administration men. Some Democrats voted for the admission of the representative in nearly every case, almost regardless of the special merits. Others voted as consistently against admission. Others still seem to have regarded only the merits of each particular case. This one inference seems warranted: the Democrats were, as a body, much more inclined than the Republicans to admit a claimant, whose credentials were formally correct, without critical investigation. Furthermore there are some things unexpressed which are nevertheless plainly to be read between the lines. Mr. Segar, for example, evidently enjoyed the respect and sympathy of the House, as was manifest even at the time of his first application. He then had friends on the floor of the House who pleaded earnestly for his admission, and the decisive majority against it at that time on a ye and nay vote is, therefore, an emphatic endorsement of the report of the committee, especially of the third point therein, rejecting his claims because a majority of the voters of the district had not had an opportunity to participate in the election.

Let us now turn to the case of A. J. Clements, from the fourth district of Tennessee, the seventh case in the chronological list which is appended to this article, but the first case on which the committee made a report, setting a precedent which was consistently followed. When the customary date for electing congressmen approached, the first Thursday of August, 1861, Tennessee had practically joined the Confederacy and had a secessionist state government. As it was desirable that the state should be represented in the Confederate Congress, the governor called a congressional election as usual and also submitted the permanent Constitution of the Confederate States for ratification. In the eastern section of the state there was a strong Union sentiment and a vigorous campaign was conducted against the Confederate Constitution as well as for it; for Federal as well as for Confederate congressmen. In some cases, if not in all, the Union and the Confederate votes were deposited in the same boxes and counted by the same officers.<sup>1</sup> In some voting-places there was a majority against the Confederate Constitution; and it appears that in some places even the local election machinery was in the hands of the Unionists. However, when the votes had been canvassed, the leading secessionist candidate in each district received his certificate of election to the Confederate Congress. The Union

<sup>1</sup> Personal recollections of Dr. E. E. Hoss, editor of the *Nashville Christian Advocate*.

candidates had to be satisfied with such evidence of their election as they could gather, largely unofficial. Three of them applied to the Congress at Washington and were admitted.

Mr. Thomas A. R. Nelson, from the first district, fell into the hands of the Confederates while on his way to Washington and was taken prisoner to Richmond. There influential friends secured his release on his promise to return home and take no further part in politics.<sup>1</sup>

Mr. Horace Maynard, from the second district, was present at the opening of Congress in December, 1861. His credentials were irregular, for neither governor nor canvassing officers would prepare them. But Mr. Dawes stated on his behalf that he had been elected on the usual day, under an ordinary proclamation; that the contest was regular, the vote large and the election according to old laws and long established usage; and that he had the certificates of the sheriffs in the several counties of his district that he was elected.

Mr. Clements was less fortunate. He had to flee from the state so soon that little legal evidence of his election could be secured. But among the exiles in Union camps and elsewhere in Kentucky he secured a number of affidavits of men who had voted for him, stating the fact and declaring that, in their opinion, from knowledge of the circumstances, about 2,000 votes were cast for him, the district usually casting some 6,000 votes, and the secessionist candidate at this time polling heavily.

The committee found that the vote in one county had been certified by the sheriff and was legal; in that county Mr. Clements was found to have nearly or quite all the Union votes. The election was free from intimidation; for there was no circumstance at the time to prevent such voters as chose so to do from depositing their votes for a representative in the Federal Congress; and he was unmistakably the choice of the Union men of the whole district. The committee recommended that he be seated, holding that the refusal of the governor to grant a certificate did not prejudice the right of the claimant, which in other respects they found to be satisfactory. The House so ordered.

Mr. Bridges, from the third district of Tennessee, did not reach Washington until more than a year later. In the third session, a week before the expiration of the Thirty-seventh Congress, he arrived and his case was brought up immediately by Mr. Maynard on a question of privilege. The House refused to refer his case, forty-five

<sup>1</sup> This differs slightly from the statement made in Congress (*Cong. Globe*, 37 Cong., 3 Sess., pp. 1295-6). It is based on the authority of Dr. Hoss, who at the time was neighbor's boy to Mr. Nelson. Mr. Nelson was a staunch Unionist, of sterling integrity and most highly esteemed throughout the community.

yeas to eighty-eight nays (twenty-one Republicans and twenty-four Democrats to seventy Republicans and eighteen Democrats). He was, therefore, admitted at once and given pay for the whole term. It was stated on the floor that his credentials were signed by the "secretary of the state," or by the "former secretary of the state." The writer has been unable to identify the functionary or discover the peculiar virtue in his certificate.

All the cases thus far discussed occurred within the first twelve months of the war. They may, therefore, be taken to illustrate the first impressions of what was the right and expedient attitude to take toward the people of the seceding states, and the results may now conveniently be analyzed.

The legal status of the seceding states scarcely entered into the consideration of the committee, *co nomine*. Congress did not admit the right of a state to secede; secession then, if a fact at all, must be a fact not of right, but of might, *i. e.*, it would not be accomplished until the Federal Government should be forced to admit it and to cease opposing it by arms. Until that time the legal status of these states would remain unchanged, so far as the national government and its deliberations were concerned. The essential distinction to be drawn by the national government was that between obedient and disobedient, loyal and disloyal, citizens. The latter were numerous, organized, in possession of a considerable part of the territory within the boundaries of the United States, formidable in arms and entitled to be treated as belligerent enemies. The former must be protected in all their rights and privileges. Not only ought they to be allowed the representation to which they were entitled; but to secure it to them and increase the territory represented in Congress would add to the dignity of the government by making a show of success against the disloyalists. Also it would undoubtedly encourage the loyalists. Step by step, as conditions seemed to warrant, the executive re-established the postal system, collected the revenue and enforced the national laws; the judiciary opened the courts, and Congress permitted representation. So, gradually, complete normal relations might come to be established in a locality, in a whole state and in state after state.

Later, when the Federal arms were successful, and it was realized that the greater proportion of the population, both in numbers and in political and social influence, had been wilfully disobedient and was now professedly loyal only by force of circumstances which had brought to nought the efforts to maintain independence, it became a serious question whether, how far, and under what safeguards the people should be allowed to exercise their normal privileges. The

aspects which the situation then bore will serve by contrast to illustrate the aspect of affairs in the first months and years of the war.

In the districts under consideration, there was a nucleus of loyalists who had manifested their devotion to the national government by self-sacrificing words and acts of protest. Moreover the opinion was general throughout the loyal states that many had acquiesced in the insurrection under duress, and that they would renounce their connection with the Confederacy and might be unreservedly trusted with the full exercise of political rights. The disillusionment had not yet come. This class proved to be less numerous than had been thought, and further disappointment came from the inability to distinguish them from those whose professions of allegiance were made chiefly for the purpose of protecting their property from the ravages of the army.

Thus the policy of admitting representatives from the doubtful and insurrectionary states is explainable on strong grounds of right and reason, interest and sympathy. There were theories in plenty touching the legal status of the states, and plans of reconstruction logically deduced therefrom. But this is not the place to enumerate and discuss them. The action of Congress was eminently concrete; and these few paragraphs simply embody an attempt, which it is hoped will not be altogether useless, to reason backward from the concrete to the abstract and to present a theory consistent with the facts.

The House committee was very free in going behind the returns and examining into the character of the election. It sought for conformity to law at the polling places. In every case favorably reported, there were found to be at least a few votes cast, counted and returned by the local officers in substantial conformity to the law. In many cases reported with recommendation to reject, the committee were unable to satisfy themselves that any votes at all had been legally cast and counted. However, this was never the sole ground for rejection; the committee went further and found other grounds. But whenever the casting and counting of votes had been safeguarded in substantial conformity to law, the questions of governor's proclamation or governor's certificate and like formalities were readily waived. That is, a district might be represented regardless of the situation in the state at large. If on the customary day or after due notice a district had been free to act and had so far succeeded as to have some votes cast upon which no taint of suspicion could be thrown; if the conditions were such that those who did not vote or whose votes were not counted by the committee could be fairly taken to have acquiesced in the result, the claimant was recommended for admission.

It was a time of rapid change and varying conditions. Later cases involved new considerations which are worthy of presentation here. In the spring of 1862 the Union troops took possession of New Orleans and a few outlying parishes, comprising nearly the whole of two congressional districts, and held such undisputed sway there that President Lincoln was able to put his own plan of reconstruction into operation. A military governor was appointed, a quasi-civil officer, who saw to it that executive and judicial officers were appointed and local and general affairs administered in as full conformity to local law as possible. Under the direction of the military governor elections for two members of Congress were held in 1862, and, somewhat later, in the spring of 1864, a full list of state officers was chosen by popular election, to whom presently the military governor and his appointees gave way.

The first congressional election was held under the auspices of the military governor December 3, 1862. In one district Mr. Flanders received 2,370 votes and all others 273. In the other Mr. Hahn received 2,799 and four others 3,318; about half the usual vote was polled. Two country parishes failed entirely to participate, being outside the Union lines. The registration law of the Confederate legislature, requiring an oath of allegiance to the Confederacy, was set aside and a registration ordered under the law of 1856. The sheriffs issued writs of election and the necessary officers were appointed and fulfilled their functions. But those who ought to have registered and could not do so, or had not, were allowed to vote upon satisfying the commissioners at the polls of their fitness.

So far as recent precedents applied to the cases, it was clear that the claimants were worthy of admission. The new points discussed in the report of the committee and on the floor of the House were: first, the intervention of authorities from outside the state, without warrant of the state constitution or any law of Congress; secondly, the intervention of the federal executive and the army of which he was commander-in-chief. It is significant of the changing conditions and growing sensitiveness of public opinion that these questions now came up for discussion. However, the change of opinion was outside the committee rather than within, as is evident from the recorded votes of its members and from the words of Mr. Dawes, who would have given the act of Military Governor Shepley the same force as if his appointment had been made "by a mass-meeting of all the electors;" and as the sequel will show the change did not yet extend to a majority of the House.

Though "the exact powers of a military governor cannot be easily defined," the committee found that both the Supreme Court<sup>1</sup>

<sup>1</sup> *Cross vs. Harrison*, 16 Howard, 164.

and Congress, in the case of the senators and representatives from California, had recognized the performance of civil as well as military functions by this officer, and they held that his powers originated in and were limited by necessity. Then, quoting the constitutional obligation upon the United States to guarantee to every state in the Union a republican form of government, the committee argued that representation in the national Congress was one of the essentials of republican government in a state of the Union. Therefore, to hold the election for the choice of congressmen was a function imposed by necessity "in the interim between the absolute reign of rebellion and the complete restoration of law," and so was an act of unimpeachable legality.

Or, again, an argument by confession and avoidance, General Shepley was *de facto* governor of Louisiana. He was performing all the acts of governor; no one opposed; everywhere there was acquiescence. "This House has no jurisdiction to determine who is rightfully in the office of governor of Louisiana." But the power of a governor *de facto* to hold an election was well recognized.

The report was vigorously opposed on the floor of the House. "If I had not thought this was a part and parcel of a grand gigantic system of executive domination, I would not have raised my voice to-day," said Mr. Voorhees, who may be accepted as a type of the ultra-Democrats. He reiterated the complaint that President Lincoln had usurped judicial power by suspending the writ of *habeas corpus*, and charged that he had usurped legislative powers by calling this election. The authority for holding it did not emanate from the governor of the state or from Congress, but from the President, a federal office-holder. Mr. Voorhees further objected that the proclamation of September 22, 1862, and the citation of it in the call for this election constituted a menace to the voters.<sup>1</sup>

It was argued by Mr. Porter, an Indiana Republican, that the federal guarantee related to the states in connection with their state functions merely. It was the duty of the United States to "remove

<sup>1</sup>On January 1, 1863, "all persons held as slaves within any state or designated part of a state, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free. . . . The Executive will on the first day of January aforesaid, by proclamation, designate the states and parts of states, if any, in which the people thereof respectively, shall then be in rebellion against the United States; and the fact that any state or the people thereof shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such state shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state, and the people thereof, are not in rebellion against the United States." Proclamation of President Lincoln, September 22, 1862. In some of the calls in which this proclamation was cited, military officers went so far as to make participation in the election a test of personal loyalty. Cf. proclamation of General Viele in the second district of Virginia. Case of McLeod and Wing, *House Reports*, 37 Cong., 3 sess., p. 23. No important decision hangs on this proclamation.

all impediments" which would prevent the loyal people from "enjoying the benefits of their state constitution." "Possibly to facilitate this it might exert a limited power to set the machinery of state government in motion. . . . But it would be monstrous to maintain that the federal government could appoint all the officers of the state," as in this case. Mr. Bingham, of Ohio, likewise argued that the right of representation could not be exercised "except by sending representatives here through the instrumentality of a state law appointing such election and in full force at the time, or in pursuance of a special law" of Congress. There was no law of Congress applicable to the case. The secessionist state legislature had repealed the old law for the election of federal congressmen. No loyal legislature had re-enacted it, nor were there state officers legally chosen to have enforced it. Mr. Yeamans (Ky., Dem.) moved a substitute resolution that Military Governor Shepley had no authority to call the election, but that inasmuch as the people had acted and expressed an unequivocal choice their chosen representatives should be admitted. This was voted down, eleven yeas to one hundred and fifteen nays, and the original motion passed, ninety-two to forty-four.<sup>1</sup>

The last case decided by this Congress, three days before its dissolution, has an interesting element of romance, and nearly every important ruling of the committee was involved in it and confirmed by the disposition of it. The ninth district of Tennessee was comparatively free from Confederates at the close of 1862 and a spontaneous movement of the loyal citizens resulted in appointing an election on December 13th. Mr. Hawkins was nominated and the machinery of the canvass set in motion. Meanwhile Military Governor Johnson, wishing to aid and ignorant that a date had been set, issued a proclamation appointing the election for December 29th. But his action was not generally known in the district on December 13th, and on that day "many thousand votes" were cast for Hawkins in parts of eight counties out of nine in the district. Perhaps he might have been admitted on the basis of such an election. But he made no effort. Everything was deferred to the presumably more legal election called by the military governor. Before the appointed day came, however, the Confederate General Forrest, learning of the intention to hold an election, made a raid into the district and got control of a considerable part of it. General Hurlbut also approached, with the Union forces, and issued a proclamation further postponing the election until January 5, 1863. But in some places where neither General Forrest's troops nor General Hurlbut's order had

<sup>1</sup> Seventy-four Republicans and eighteen Democrats to twenty Republicans and twenty-four Democrats, six of the Committee of Elections voting yea and two voting nay.



penetrated in time to prevent, an election was held under the governor's proclamation. An unofficial person certified to the returns from one county and a federal general to those from another. Probably some nineteen hundred votes had been cast, nearly all for Mr. Hawkins. Under this election he claimed a seat.

Under the precedents the case was clear against him; there was no legal certification that the election had been conducted at the polls according to law or even that the vote was as claimed; there had been no "legal election." "While, as matter of fact, the House may not doubt that these transactions have taken place," said the committee in their report, "yet it would be most dangerous to take, as legal proof of an election, the papers here presented." So, "in spite of the fact" that no new election could be held and the district must go unrepresented, the committee recommended that the claimant be not admitted; and the House agreed without debate or division. The treatment accorded by the House to Mr. Bridges, of Tennessee, just three days before, and the remarks made on the floor, preclude the inference that the House was indifferent in view of its approaching dissolution.

Thus ten representatives (not including Mr. Upton who was unseated) from nine districts, in three states belonging to the Confederacy, sat in the lower house of the Thirty-seventh Congress, and three senators (one holding over) from two states, sat in the upper house. The House of Representatives recognized the action of the Unionists, district by district. The Senate (and indeed the House, the President and the judiciary) recognized the *de facto* government of Virginia located at Wheeling and loyal to the national government.

FREDERICK W. MOORE.

NOTE.

Applications for Admission to the National Senate and House of Representatives from the seceding states, during the Thirty-seventh Congress, 1861-1863.

The border states—Delaware, Maryland, Kentucky and Missouri—are omitted from the list and are not considered in the main article, since the contests from them involved, in the main, a very different set of considerations.

Senate, Thirty-seventh Congress, First Session, July 4, 1861.

Andrew Johnson, of Tennessee, held over and resigned to become military governor of Tennessee, a position to which he was appointed March 3, 1861, *Cong. Globe*, 37 Cong., 1 sess., p. 1.

J. S. Carlile and Waitman T. Willey, of Virginia, were chosen by



the Wheeling legislature, July 9, 1861, to succeed Senators Hunter and Mason, expelled; and they were sworn in July 13th. *Cong. Globe*, 37 Cong., 1 sess., pp. 103, 109.

House of Representatives, Thirty-seventh Congress, First Session, July 4, 1861.

Messrs. Chas. H. Upton, W. G. Brown, John S. Carlile and K. V. Whaley, from the 7th, 10th, 11th and 12th districts of Virginia, were sworn in July 4, 1861. A Mr. E. H. Pendleton, from another district of the same state, was mentioned in a motion to refer (which was lost); but it does not appear that he ever appeared in person. Charles H. Upton's case was referred to the Committee of Elections, July 8, 1861. *Cong. Globe*, 37 Cong., 1 sess., pp. 3-24, *passim*.

Second Session, Dec. 2, 1861.

J. B. Blair took the seat made vacant by the resignation of J. S. Carlile, Dec. 3, 1861. *Cong. Globe*, 37 Cong., 2 sess., p. 3.

Horace Maynard, from the second district of Tennessee, was admitted without reference and sworn in Dec. 2, 1861. *Cong. Globe*, 37 Cong., 2 sess., p. 2.

A. J. Clements, from the fourth district of Tennessee, was admitted Jan. 13, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 6, 7, 297; *Cont. Elec.* (i. e., *Cases of Contested Elections to Congress from 1834 to 1865 inclusive*, 38 Cong., 2 sess., House Misc., No. 12), p. 366; *House Reports*, 37 Cong., 2 sess., No. 9.

Joseph Segar, from the first district of Virginia, was refused a seat, Feb. 11, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 398, 727ff., 759; *Cont. Elec.*, pp. 426ff.; *House Reports*, 37 Cong., 2 sess., No. 12.

Charles H. Upton, from the seventh district of Virginia, was refused a seat, Feb. 27, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 975-1010, *passim*; *Cont. Elec.*, pp. 368ff.; *House Reports*, 37 Cong., 2 sess., No. 17.

S. F. Beach, from the seventh district of Virginia, was refused a seat, March 31, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 32, 435, 1040, 1452; *Cont. Elec.*, pp. 415ff.; *House Reports*, 37 Cong., 2 sess., No. 42.

Joseph Segar, from the first district of Virginia, was seated May 6, 1862. *Cong. Globe*, 37 Cong., 2 sess., pp. 1339, 1856, 1971; *Cont. Elec.*, pp. 415ff.; *House Reports*, 37 Cong., 2 sess., No. 70.

Charles H. Foster, from the first and second districts of North Carolina. On July 13, 1861, Mr. Foster presented his claims to represent the first district of North Carolina and the case was referred to the committee. On December 2d, following, he presented his claims to represent the second district of the same state and likewise referred to the committee. On December 18th, the committee reported that Mr. Foster was not entitled to a seat, "either from the first or from the second district of North Carolina." In presenting the report, Mr. Dawes stated that the committee had "pursued the investigation of this claim so far as

to be entirely satisfied that it is founded in imposition." Again on March 6, 1862, Mr. Foster filed anew his claims to represent the second district, basing them on an alleged new election. The committee reported adversely and their report was adopted June 23d. The report of the committee contains this statement: "This is the fourth time Mr. Foster has claimed to have been elected a representative to the Thirty-seventh Congress, from the State of North Carolina—twice from the first and twice from the second district." But I cannot find that his credentials were presented formally to the House except on the three occasions cited. Mr. Foster was not a citizen of North Carolina, but a Washington office-holder who went south with the army in a quasi-civil capacity. *Cong. Globe*, 37 Cong., 1 sess., p. 115; 37 Cong., 2 sess., pp. 3, 4, 35, 132, 1103, 2737, 2879; *Cont. Elec.*, p. 424; *House Reports*, 37 Cong., 2 sess., No. 118.

Third Session, December 1, 1862.

B. F. Flanders and Michael Hahn, from the first and second districts of Louisiana respectively, were admitted Feb. 17, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 144, 164, 695, 831ff., 855ff., 888, 1010ff., 1030ff., 1035, 1036; *Cont. Elec.*, pp. 430ff.; *House Reports*, 37 Cong., 3 sess., No. 22.

McLeod and Wing, from the second district of Virginia. W. W. Wing contested the right of John B. McLeod to represent this district. Both were refused seats, February 14, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 716, 962; *Cont. Elec.*, p. 465; *House Reports*, 37 Cong., 3 sess., No. 23. (McLeod or McLoud or Cloud.)

John B. Rodgers, from Tennessee. The secession government of Tennessee redistricted the state and called an election for the choice of Confederate congressmen. At this election the Union men of one district, comprising in part the counties represented by Mr. Clements, voted for Mr. Rodgers. He was refused a seat, February 14, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 963; *Cont. Elec.*, p. 462; *House Reports*, 37 Cong., 3 sess., No. 32.

Lewis McKenzie, from the seventh district of Virginia, was refused a seat, February 17, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 1036; *Cont. Elec.*, p. 460; *House Reports*, 37 Cong., 3 sess., No. 33.

Jennings Pigott, from the second district of North Carolina, was refused a seat, February 23, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 1208ff.; *Cont. Elec.*, p. 463; *House Reports*, 37 Cong., 3 sess., No. 41.

George W. Bridges, from the third district of Tennessee, was admitted and sworn in, February 25, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 1295, 1296.

Christopher L. Grafflin, from the eighth district of Virginia, was refused a seat, March 3, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 1540, 1547; *Cont. Elec.*, p. 464; *House Reports*, 37 Cong., 2 sess., No. 43.

Alvin Hawkins, from the ninth district of Tennessee, was refused a seat, March 3, 1863. *Cong. Globe*, 37 Cong., 3 sess., pp. 1540, 1547; *Cont. Elec.*, p. 466; *House Reports*, 37 Cong., 3 sess., No. 33.

## DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

### *1. Letters of John Marshall when Envoy to France, 1797, 1798.*

The following three letters were written by John Marshall to General Washington during the time when Marshall was in Europe upon the "X Y Z Mission." It has been thought that historical readers would be interested in observing the impression which the Europe of 1797 and 1798 made upon such a mind as that of Marshall. The text of these letters, derived first from the transcripts among the Sparks papers in the Library of Harvard University, has been carefully compared with that of the original letters among the Washington papers in the Library of the Department of State. For this kind service the thanks of the managing editor are presented to Mr. S. M. Hamilton of that library. In Washington's *Writings*, ed. Ford, XIII., 432-436, will be found, under date of December 4, 1797, a letter of General Washington's in reply to the first of the three following communications.

#### I.

THE HAGUE 15<sup>th</sup> Sept: 1797

*Dear Sir*

The flattering evidences I have receiv'd of your favorable opinion, which have made on my mind an impression only to wear out with my being, added to a conviction that you must yet feel a deep interest in all that concerns a country to whose service you have devoted so large a portion of your life, induce me to offer you such occasional communications as, while in europe I may be enabled to make, and induce a hope too that the offer will not be deemed an unacceptable or unwelcome intrusion.

Until our arrival in Holland we saw only British and neutral vessels. This added to the blockade of the dutch fleet the Texel, of the french fleet in Brest and of the spanish fleet in Cadiz manifests the entire dominion which one nation at present possesses over the seas. By the ships of war which met us we were three times visited and the conduct of those who came on board was such as would proceed from general orders to pursue a system calculated to conciliate America. Whether this be occasion'd

by a sense of justice and the obligations of good faith, or solely by the hope that the perfect contrast which it exhibits to the conduct of France may excite keener sensations at that conduct, its effects on our commerce are the same.

The situation of Holland is truly interesting. Tho the face of the country still exhibits a degree of wealth and population perhaps unequaled in any other part of Europe, its decline is visible. The great city of Amsterdam is in a state of blockade. More than two thirds of its shipping ly unemployed in port. Other seaports suffer tho not in so great a degree. In the meantime the requisitions made upon them are enormous. They have just completed the payment of 100,000,000 of florins (equal to 40,000,000 of dollars) stipulated by treaty, they have sunk, on the first entrance of the French a very considerable sum in assignats; they made large contributions in specifics; and they pay feed and cloath an army estimated, as I am informed, at near three times its real number. It is suppos'd that France has by various means drawn from Holland about 60,000,000 of dollars. This has been paid, in addition to the national expenditures, by a population of less than 2000,000. Nor, shou'd the war continue, can the contributions of Holland stop here. The increasing exigencies of France must inevitably increase her demands on those within her reach.—Not even peace can place Holland in her former situation. Antwerp will draw from Amsterdam a large portion of that commerce which is the great source of its wealth; for Antwerp possesses, in the existing state of things, advantages which not even weight of capital can entirely surmount. The political divisions of this country and its uncertainty concerning its future destiny must also have their operation. Independent of the grand division between those for and against the Stadtholder; between those who favor an indivisible and those who favor a federal republic, there is much contrariety of opinion concerning the essential principles of that indivisible consolidated republic which the influence of France imposes on the nation. A constitution which I have not read, but which is stated to me to have contain'd all the great fundamentals of a representative government, and which has been prepar'd with infinite labor, and has experienc'd an uncommen length of discussion was rejected in the primary assemblies by a majority of nearly five to one of those who voted. The objections do not accompany the decision, but they are said to be to the duration of the constitution which was to remain five years unaltered, to the division of the legislature into two chambers, and to its power of definitive legislation. The substitute wish'd for, by its opponents, is a legislature with a single branch having power only to initiate laws which are to derive their force from the sanction of the primary assemblies. I do not know how they would regulate their executive, nor is it material how they would organize it. A constitution with such a legislature would not be able to make a worth the while to examine the situation of its other parts. It is remarkable that the very men who have rejected the form of government propos'd to them have rejected a great majority of the persons who pre-

pared it and who will probably make from it no essential departure. Those elected are now assembled in convention at this place, but we know not in what manner they are proceeding. It is also worthy of notice that more than two thirds of those entitled to suffrage including perhaps more than four fifths of the property of the nation, and who wish'd, as I am told, the adoption of the constitution withheld their votes on this very interesting question. Many were restrained by an unwillingness to take the oath required before a vote cou'd be receiv'd; Many, disgusted with the present state of things, have come to the unwise determination of revenging themselves on those whom they charge with having occasion'd it by taking no part whatever in the politics of their country, and many seem to be indifferent to every consideration not immediately connected with their particular employments.

The political opinions which have produc'd the rejection of the constitution, and which, as it wou'd seem, can only be entertain'd by intemperate and ill inform'd minds, unaccustom'd to a union of the theory and practice of liberty, must be associated with a general system which if brought into action will produce the same excesses here which have been so justly deplor'd in France. The same materials exist tho not in so great a degree. They have their clubs, they have a numerous poor and they have enormous wealth in the hands of a minority of the nation. On my remarking this to a very rich and intelligent merchant of Amsterdam and observing that if one class of men withdrew itself from public duties and offices it would immediately be succeeded by another which wou'd acquire a degree of power and influence that might be exercis'd to the destruction of those who had retir'd from society, he replied that the remark was just, but that they relied on France for a protection from those evils which she had herself experienced. That France wou'd continue to require great supplies from Holland and knew its situation too well to permit it to become the prey of anarchy. That Holland was an artificial country acquir'd by persevering industry and which cou'd only be preserved by wealth and order. That confusion and anarchy wou'd banish a large portion of that wealth, wou'd dry up its sources and wou'd entirely disable them from giving France that pecuniary aid she so much needed. That under this impression very many who, tho friends to the revolution, saw with infinite mortification French troops garrison the towns of Holland, wou'd now see their departure with equal regret. Thus they willingly relinquish national independence for individual safety. What a lesson to those who wou'd admit foreign influence into the United States!

You have observ'd the storm which has been long gathering in Paris. The thunderbolt has at length been launch'd at the heads of the leading members of the legislature, and has, it is greatly to be fear'd, involv'd in one common ruin with them, the constitution and liberties of their country.

The inclos'd papers will furnish some idea of a transaction which may be very interesting to America as well as to France. Complete and

impartial details concerning it will not easily be obtain'd, as the press is no longer free. The journalists who had ventur'd to censure the proceedings of a majority of the directory are seiz'd, and against about forty of them a sentence of transportation is pronounced. The press is plac'd under the superintendence of a police appointed by and dependent on the executive. It is suppos'd that all private letters have been seiz'd for inspection.

From some Paris papers it appears, that on the first alarm several members of the legislature attempted to assemble in their proper halls which they found clos'd and guarded by an arm'd force. Sixty or seventy assembled at another place and began to remonstrate against the violence offer'd against their body but fear soon dispersed them. To destroy the possibility of a rallying point the municipal administrations of Paris and the central administration of the Seine were immediately suspended and forbidden by an arrêt<sup>e</sup> of the directoire, to assemble themselves together. Many of the administrators of the departments through France elected by the people, had been previously removed and their places filled by persons chosen by the directory. Moreau who commanded the army of the Sambre and the Meuse by which he was deservedly belov'd and who was consider'd as attach'd to the fallen party was, as is reported, invited from his army to Paris under the pretext of a personal consultation. We have not heard of his arrival or of his fate. The command of his army during his absence did not, we learn, devolve on the oldest officer but was given to Gen<sup>l</sup> Hoche who also commands the army of the in [*mutilated*] Carnot is at one time said to have been kill'd in defending himself from some soldiers who pursued and attempted to take him, at another time he is said to have effected his escape. The fragment of the legislature convok'd by the directory at L' Odeon and L'ecole de santé, hasten'd to repeal the law for organizing the national guards, and authoriz'd the directory to introduce into Paris as many troops as shoud be judged necessary. The same day the liberty of the press was abolish'd by a line, property taken away by another and personal security destroy'd by a sentence of transportation against men unheard and untried. All this is stiled the triumph of liberty and of the constitution.

To give a satisfactory statement of the origin and progress of the contest between the executive and legislative departments woud require more time than could be devoted to the subject, did I even possess the requisite information, and to you, Sir, it woud be unnecessary because I have no doubt of your having receiv'd it through other channels. I shall briefly observe that the controversy has embrac'd a variety of interesting subjects. Since the election of the new third, there were found in both branches of the legislature a majority in favor of moderate measures, and, apparently, wishing sincerely for peace. They have manifested a disposition which threaten'd a condemnation of the conduct of the directory towards America, a scrutiny into the transactions of Italy, particularly those respecting Venice and Genoa, an inquiry into the dis-



position of public money and such a regular arrangement of the finances as would prevent in future those dilapidations which are suspected to have grown out of their disorder.

They have sought too by their laws to ameliorate the situation of those whom terror had driven out of France, and of those priests who had committed no offense. Carnot and Barthélemy two of the directory were with the legislature.

The cry of a conspiracy to reestablish royalism was immediately rais'd against them. An envoy was despatched to the army of Italy to sound its disposition. It was represented that the legislature was hostile to the armies, that it withheld their pay and subsistence, that by its opposition to the directory it encourag'd Austria and Britain to reject the terms of peace which were offer'd by France, and which but for that opposition would have been accepted, and finally that it had engag'd in a conspiracy for the destruction of the constitution and the republic and for the restoration of royalty. At a feast given to the armies of Italy to commemorate their fellow soldiers who had fallen in that country the generals address'd to them their complaints, plainly spoke of marching to Paris to support the directory against the Council and receiv'd from them addresses manifesting the willingness of the soldiers to follow them. The armies also addressed the directory and each other, and addresses were despatched to different departments. The directory answered them by the strongest criminations of the legislature. Similar proceedings were had in the army of the interior commanded by Gen' Hoche. Detachments were mov'd within the limits prohibited by the constitution, some of which declared they were marching to Paris to bring the legislature to reason. Alarmed by those movements the council of five hundred call'd on the directory for an account of them. The movement of the troops within the constitutional circle was attributed to accident and the discontents of the army to the faults committed by the legislature who were plainly criminated as conspirators against the army and the republic. This message was taken up by Tronçon in the council of ancients and by Thibideau in the council of five hundred. I hope you have seen their speeches. They are able, and seem to me to have entirely exculpated the legislature. In the meantime the directory employ'd itself in the removal of the administrators of many of the departments and cantons and replacing those whom the people had elected by others in whom it could confide, and in the removal generally of such officers both civil and military as could be trusted to make room for others on whom it could rely. The legislature on its part, passd several laws to enforce the constitutional restrictions on the armies and endeavor'd to organize the national guards. On this latter subject especially Pichegru great and virtuous I believe in the cabinet as in the field, was indefatigable. We understand that the day before the law for their organization would have been carried into execution the decisive blow was struck.

To support the general charge of a conspiracy in favor of royalty I know of no particular facts alleg'd against the arrested members except

Pichegru and two or three others. An abridgment of the paper constituting the whole charge against Pichegru will be found in the inclos'd supplement. I have seen the paper at full length. The story at large is still more improbable than its abridgment because Pichegru is made in the first moment of conversation to unbosom himself entirely to a perfect stranger who had only told him that he came from the Prince of Condé and could not exhibit a single line or testimonial of any sort to prove that he had ever seen the Prince or that he was not a spy employ'd by some of the enemies of the General.

This story is repelled by Pichegrus character which has never been defil'd. Great as were the means he possess'd of personal aggrandizement he returned clean handed from the army without adding a shilling to his private fortune. It is repel'd by his resigning the supreme command, by his numerous victories subsequent to the alleg'd treason, by its own extreme absurdity and by the fear which his accusers show of bringing him to trial according to the constitution even before a tribunal they can influence and overawe, or of even permitting him to be heard before that prostrate body which is still term'd the legislature and which in defiance of the constitution has pronounc'd judgment on him. Yet this improbable and unsupported tale seems to be received as an establish'd truth by those who, the day before his fall bow'd to him as an idol. I am mortified as a man to learn that even his old army which conquered under him, which ador'd him, which partook of his fame and had heretofore not join'd their brethren in accusing the legislature, now unite in bestowing on him the heaviest execrations and do not hesitate to pronounce him a traitor of the deepest dye.

Whether this conspiracy be real or not the wounds inflicted on the constitution by the three directors seem to me to be mortal. In opposition to the express regulations of the constitution the armies have deliberated, the result of their deliberations addressed to the directory has been favorably receiv'd, and the legislature since the revolution has super-added its thanks. Troops have been march'd within those limits which by the constitution they are forbidden to enter but on the request of the legislature.

The directory is forbidden to arrest a member of the legislature unless in the very commission of a criminal act and then he can only be tried by the high court, on which occasion forms calculated to protect his person from violence or the prejudice of the moment are carefully prescribed. Yet it has seiz'd by a military force about fifty leading members not taken in a criminal act and has not pursued a single step mark'd out by the constitution.

The councils can inflict no penalty on their own members other than reprimand, arrest for eight and imprisonment for three days. Yet they have banished to such place as the directory shall choose a large portion of their body without the poor formality of hearing a defence.

The legislature shall not exercise any judiciary power or pass any retrospective law. Yet it has pronounc'd this heavy judgment on others as



well as its own members and has taken from individuals property which the law had vested in them.

The members of the directory are personally secur'd by the same rules with those of the legislature. Yet three directors have deprived two of their places, the legislature has thus banished (them) without a hearing and has proceeded to fill up the alledg'd vacancies. Merlin late minister of justice and François de Neufchatel have been elected.

The constitution forbids the house of any man to be enter'd in the night. The orders of the constituted authorities can only be executed in the day. Yet many of the members were seized in their beds.

Indeed Sir the constitution has been violated in so many instances that it woud require a pamphlet to detail them. The detail woud be unnecessary for the great principle seems to be introduc'd that the government is to be administer'd according to the will of the armies and not according to the will of the nation.

Necessity, the never to be worn out apology for violence, is alledg'd—but but could that necessity go further than to secure the persons of the conspirators? Did it extend to the banishment of the printers to the slavery of the press? If such a necessity did exist it was created by the disposition of the people at large, and it is a truth which requires no demonstration that if a republican form of government cannot be administered by the general will, it cannot be administered against that will by an army.

After all the result may not be what is apprehended. France possesses such enormous power, such a vast population that she may possibly spare another million and preserve or reacquire her liberty. Or, the form of the Government being preserv'd, the independence of the legislature may be gradually recover'd.

With their form of Government or revolutions we have certainly no right to intermeddle, but my regrets at the present state of things are increased by an apprehension that the rights of our country will not be deemed so sacred under the existing system, as they would have been had the legislature preserved its legitimate authority.

Gen<sup>l</sup> Pinckney (with whom I cannot but be very much pleas'd) [and I] have waited impatiently for M<sup>r</sup> Gerry and shall wait until Monday the 18<sup>th</sup> inst. On that day we set out for Paris.

The negotiations with Austria and Britain are still pending and are of very uncertain issue.

This letter has extended itself to an unexpected length. I have fatigued you, Sir and will only add that I remain

with sincere and respectful attachment

Your Obed<sup>t</sup> Serv<sup>t</sup>

J MARSHALL.

I just now learn that fifteen hundred persons have been arrested at Lyons. That resistance is made at Avignon and that Massina is marching to quell it.

II.

PARIS October 24<sup>th</sup>, 1797

*Dear Sir*

I did myself the honor of addressing to you from the Hague by Cap<sup>t</sup> Izzard, a very long letter which I hope you have receiv'd. The offer therein made of occasionally communicating to you my observations on the great and interesting events of Europe was not even entitled to the small value which in my own mind I had bestow'd upon it. Causes which I am persuaded you have anticipated, forbid me to allow myself that free range of thought and expression which could alone apologize for the intrusive character my letters bear. Having however offer'd what I cannot furnish, I go on to substitute something else perhaps not worth receiving.

You have heard it said in the United States that the agriculture of France has in the course of the present war been considerably improv'd. On this subject I am persuaded there has been no exaggeration. In that part of the country through which I have pass'd the evidences of plenty abound. The whole earth appears to be in cultivation and the harvests of the present year appear to be as productive as the fields which yield them are extensive. I am inform'd that every part of the country exhibits the same aspect. If this be a fact, there will probably remain, notwithstanding the demands of the armies, a surplus of provisions. Manufactures have declined in the same ratio that the cultivation of the soil has increas'd. War has been made upon the great manufacturing towns and they are in a considerable degree destroy'd. With manufactures France does not supply herself fully from her internal resources. Those of Britain flow in upon her notwithstanding the most severe prohibitory laws. The port of Rotterdam is purposely left open by the English and their goods are imported by the Dutch under Prussian and other neutral colors. They are smuggled in great quantities into France. Peace then will find this nation entirely competent to the full supply of her colonies with provisions and needing manufactures to be imported for her own consumption. This state of things will probably change; but it is unquestionably the state of things which will exist at, and for some time after, the termination of the present war. France can take from America tobacco and raw cotton, she can supply us with wines, brandies and silks.

The papers which I transmitted to you contain'd the evidence on which were founded the transactions of the 18<sup>th</sup> fructidor or 4<sup>th</sup> of September. Since then a letter has been published bearing the signature of Gen<sup>l</sup> Moreau and produced as an unequivocal testimonial of the treason alledg'd to have existed. You will have seen the letter and have made upon it your own comments, but you will be astonish'd to hear that perhaps a majority of the people do not believe that Moreau ever wrote it.

The existing political state of France is connected with certain internal and powerfully operating causes by which it has been and will

continued to be greatly influenc'd. Not the least of these is the tenure by which property is held.

In the course of the revolution it is believ'd that more than half of the land of France has become national. Of this a very considerable proportion has been sold at a low rate. It is true that much of this property formerly belong'd to the church, but it is also true that much of it belong'd to those who have fallen under the Guillotine or have been termed emigrants. Among the emigrants are many whose attachment to their country has never been shaken ; and what is remarkable, among them are many who were never out of France. The law upon this subject is worthy of attention. Any two persons no matter what their reputation, may, to some authority, I believed the municipality of the district, write and subscribe against any person whatever a charge, that such person is an emigrant, on receipt of which the person so charged is without further investigation inscribed on the list of emigrants. If the person so inscribed be afterwards apprehended while his name remains on the list ; the trial, as I understand, is, not of the fact of emigration, but of the identity of the person, and if this identity be established, he is instantly fusilleered. This law is either rigidly executed or permitted to be relax'd, as the occasion or the temper of the times may direct.

During intervals of humanity some disposition has been manifested to permit the return of those who have never offended, who have been banished by a terror which the government itself has reprobated, and to permit in cases of arrestation, an investigation of the fact of emigration as well as of the identity of the person accused.

There is too a great deal of property which has been sold as national but which in truth was never so, and which may be reclaimed by the original proprietors.

In this state of things the acquirers of national property are of course extremely suspicious. They form a vast proportion of the population of France. They are not only important in consequence of their numbers, but in consequence of their vigor, their activity and that unity of interest which produces a unity of effort among them. The armies too have been promis'd a milliard. This promise rests upon the national property for its performance. The effect of these circumstances cannot escape your observation. Classes of citizens are to be disfranchis'd against the next elections.

Our ministers have not yet, nor do they seem to think it certain that that they will be, receiv'd. Indeed they make arrangements which denote an expectation of returning to America immediately. The captures of our vessels seem to be only limited by the ability to capture. That ability is increasing, as the government has let out to hardy adventurers the national frigates. Among those who plunder us, who are most active in this infamous business, and most loud in vociferating criminations equally absurd and untrue, are some unprincipled apostates who were born in America. These sea rovers by a variety of means seem to have acquir'd great influence in the government. This influence will be ex-

erted to prevent an accommodation between the United States and France and to prevent any regulations which may intercept the passage of the spoils they have made on our commerce, to their pockets. The government I believe is but too well disposed to promote their views. At present it seems to me to be radically hostile to our country. I could wish to form a contrary opinion, but to do so I must shut my eyes on every object which presents itself to them, and fabricate in my own mind non existing things, to be substituted for realities, and to form the basis of my creed. Might I be permitted to hazard an opinion it would be that the Atlantic only can save us, and that no consideration will be sufficiently powerful to check the extremities to which the temper of this government will carry it, but an apprehension that we may be thrown into the arms of Britain.

The negotiations with the Emperor are said not to have been absolutely broken off. Yesterday it was said that peace with him was certain. Several couriers have arriv'd lately from Buonaparte and the national debt rose yesterday from seven to ten livres in the hundred. Whether this is founded on a real expectation of peace with Austria or is the mere work of stockjobbers is not for me to decide. We are told that Mantua is no longer the obstacle to peace, that it is surrendered by the Emperor and that the contest now is for Istria and Dalmatia.

OCTOBER 27<sup>th</sup>.

The definitive peace is made with the Emperor. You will have seen the conditions. Venice has experienced the fate of Poland. England is threatened with an invasion.

III.

PARIS March 8<sup>th</sup> 1798

*Dear Sir*

Before this reaches you it will be known universally in America, that scarcely a hope remains of accommodating on principles consistent with justice, or even with the independence of our country, the differences subsisting between France and the United States. Our ministers are not yet, and it is known to all that they will not be, recogniz'd without a previous stipulation on their part, that they will accede to the demands of France. It is as well known that those demands are for money—to be used in the prosecution of the present war. It was, some little time past expected, that, convinc'd of the impracticability of effecting the objects of their mission, our ministers were about to demand their passports and to return to the United States;—but this determination if ever made is, I am persuaded, suspended if not entirely relinquish'd. The report has been that so soon as it shall be known that they will not add a loan to the mass of American property already in the hands of this government, they will be order'd out of France and a nominal as well as actual war will be commenc'd against the United States. My opinion

has always been that this depends on the state of the war with England. To that object the public attention is very much turn'd, and it is perhaps justly believed that on its issue is staked the independence of Europe and America. The preparations for an invasion are immense. A numerous and veteran army lines the coast, and it is said confidently that if the landing of 50,000 men can be effected, no force in England will be able to resist them. The often repeated tale that the war is made not against the people but the government, maintains, in spite of experience some portion of its credit, and it is believ'd here that a formidable and organiz'd party exists in Britain ready, so soon as a landing shall be effected, to rise and demand a reform. It is supposed that England revolutioniz'd under the protection of a french army will be precisely in the situation of the batavian and Cisalpine Republics and that its wealth, its commerce, and its fleets will be at the disposition of this government. In the meantime this expedition is not without its hazards. An army which arriving safe woud sink England may itself be encountered and sunk in the channel. The effect of such a disaster on a nation already tir'd of the war and groaning under the pressure of an enormous taxation, which might discern in it the seeds of another coalition, and which perhaps may not be universally attach'd to existing arrangements, might be extremely serious to those who hold the reins of government.

It is therefore believed by many who do not want intelligence that these formidable military preparations cover and favor secret negotiations for peace. It is rumord (but this is mere rumor) that propositions have been made to England to cede to her the possessions of Portugal in America, in consideration of her restoring the conquests she has made on France Spain and Holland and of her consent that Portugal in Europe shall be annexed to the spanish monarchy. This report is derived from no source in any degree to be relied on, and is supported by no circumstance rendering it in any degree probable other than the existing disposition for partitioning and disposing of empires. I am however persuaded that some secret negotiation with England is now on the tapis. I know almost certainly that a person high in the confidence of this government, who is frequently employed in unofficial negotiations has passed over into that island. We can only conjecture his objects.

You probably know that the affairs of Rastadt are substantially decided. The Emperor and the King of Prussia have declar'd themselves in favor of ceding to France the whole territory on the left of the rhine on the principle of compensation in the interior of Germany. This would seem to me to take from England the hope of once more arming Austria and Prussia in her favor, for certainly had those powers contemplated such an event they woud not have effected the pacification of the empire. This circumstance will probably influence the secret negotiations with England. It will probably too very much influence the affairs of Swisserland. The determination of France to revolutionize the helvetic body has been long known. In the pais de vaud belonging to the Canton of Berne this revolution has commenced and is completely ef-

fectured under the protection and guidance of a french army for which that little country has already paid about 800,000 livres Swiss. France has insisted on extending the revolution throughout Swisserland. The existing governments in some of the cantons and especially in Bern declare their willingness to reorganize their constitution on the base of an equality of rights and a free representation, but they protest against foreign interposition and against a revolutionary intermediate government. In support of this resolution they have collected all their force and most of the cantons which have already changed their form of government have furnished their contingents. The mass of the people in Bern are firmly united and seem to join the government in saying that they will to the last man bury themselves under the ruins of their country rather than submit to the intermeddling of foreigners in the formation of their constitutions. Such is the present truly interesting state of Swisserland. A powerful military force is advancing upon them and at the same time it is said that the negotiations are to be opened. The terms offered however are supposed to be such as if accepted will place that country in the same situation as if conquerd. A revolutionary government is insisted on.

The Swiss have observed an exact neutrality throughout the late war on the continent and have even since the peace sought to preserve the forbearance of France by concessions not perfectly compatible with the rights of an independent nation.

On the side of Italy it is believd that materials are preparing to revolutionize Sardinia and Naples.

Some jealousies exist with respect to Spain. Augereau has been ordered some time since to Perpignan a position from which he may with advantage overawe that monarchy, invade Portugal or preserve order in the south during the ensuing elections. It is the common opinion that should the elections in any respect disappoint the wishes of the directory it will be on the side of Jacobinism. The existing government appears to me to need only money to enable it to effect all its objects. A numerous brave and well disciplined army seems to be devoted to it. The most military and the most powerful nation on earth is entirely at its disposal. Spain Italy and Holland with the Hanseatic towns obey its mandates. Yet there is a difficulty in procuring funds to work this vast machine. Credit being annihilated the actual impositions of the year must equal the disbursements. The consequence is that notwithstanding the enormous contributions made by foreign nations France is overwhelmed with taxes. The proprietor complains that his estate yields him nothing. Real property pays in taxes nearly a third of its produce and is greatly reduc'd in its price. The patriotic gifts for the invasion of England to which men have been stimulated by all possible means have not exceeded by the highest calculation 100,000 livres. This is the amount stated by a person who charges the officers of the treasury with peculation. The treasury admits 65,000 livres. It is supposd that recourse will be had to a forc'd loan and that the neighbors of the republic will be requird to

contribute still further to its wants. A very heavy beginning has been made with Rome.

March 10<sup>th</sup>.

The papers announce that the troops of France and Switzerland have had some severe encounters in which those of the latter have been worsted and the French have entered Fribourg and Soluere. Report (which as yet wants confirmation and indeed is disbelieved) also says that Berne has submitted.

2. *Letters of Richard Cobden to Charles Sumner, 1862-1865.*

For the following letters the REVIEW is indebted to Hon. Edward L. Pierce, the biographer of Sumner. Extracts from some of them have been printed in Morley's *Life of Cobden*. Of the preceding letters of Cobden to Sumner, during the earliest period of the Civil War, sufficient extracts will be found either in Morley's *Cobden* or in Mr. Rhodes' *History of the United States*, Vol. III.

I.

*Private.*

LONDON, 11 July, 1862.

My dear Sumner

It is a long time since I wrote to you. Indeed to confess the truth it a painful task for me to keep up my correspondence with my American friends. But I have not been a less anxious observer of the events which have passed on your side. I shall now best serve the interests of humanity by telling you frankly the state and progress of opinion here. There is an all but unanimous belief that you *cannot* subject the South to the Union. Even they who are your partisans and advocates cannot see their way to any such issue. It is necessary that you should understand that this opinion is so widely and honestly entertained, because it is the key to the expression of views which might otherwise not be quite intelligible. Among some of the governing class in Europe the wish is father to this thought. But it is not so with the mass of the people. Nor is it so with our own government entirely. I *know* that Gladstone would restore your Union to-morrow if he could, and yet he has steadily maintained from the first that unless there was a strong Union sentiment it is impossible that the South can be subdued. *Now* the belief is all but universal that there is no Union feeling in the South and this is founded latterly upon the fact that no cotton comes from New Orleans. It is said that if the instincts of gain, with cotton at double its usual price, do not induce the people to sell, it is a proof beyond dispute that the political resentment is overwhelming and unconquerable.

I have precisely the same views with regard to a European intervention that I had last winter when I wrote you. The action of the govern-



ment has been put off, by two or three considerations, to the present time. It has been thought proper to wait the result of your spring campaign. Then there was a large stock of cotton in the hands of *rich* spinners and merchants and they were interested in keeping out cotton. Moreover we had great merchants who had over-speculated in cotton goods which were shipped to India and China and they were glad of a rise in the raw material which enabled them to get out of their stocks. But all these motives for forbearance are now at an end. The merchants, manufacturers, spinners and operatives are all on the same footing, and they are all anxious to obtain raw cotton, and they will be all equally pressing on our government the necessity of "doing something." What that "something" is to be is more than I can pretend to say. I am of course as strongly convinced as ever that nothing but harm can possibly be done by interference of any kind. But where the welfare and the lives of millions of persons are at stake you cannot present the alternative of a greater possible evil to deter a government from attempting to remedy so vast a present danger. I feel quite convinced that unless cotton comes in considerable quantity before the end of the year the governments of Europe will be knocking at your door. I do not pretend to say what form their representation will take. I expect it will be a joint action on the part of all the governments interested, or rather a joint demonstration, for I do not believe that any violent action will be resorted to or contemplated. But you know what a moral demonstration means, with a vast material force behind it. And such a step would beyond all others encourage the South and tend to decide them against any conclusion, or compromise.

Now are you doing all you possibly can to allow the cotton to come out? I am afraid not. Your *republican party* are *mesquin* and narrow in their commercial policy. You must instruct your military commander at New Orleans to allow the sale or purchase of cotton by foreigners in the interior without asking any questions. When Mr. Thurlow Weed, who won all hearts, was here, he led us to expect that after the Spring campaign was at an end, and the ports should be in the power of the Federals, there would be a supply, and he went so far in conversation as to say that your government had no right to expect the European powers to wait indefinitely for cotton. Now depend on it the world will not wait quietly for six months longer.

Now the course you should take and the only one to avert trouble with Europe is this. To place foreigners on precisely the same footing in the interior, as respects the trade of New Orleans, as that which they occupied before the war. I mean this,—that if an Englishman comes to New Orleans, with a cargo of goods, *other than contraband of war*, and pays duty on them at the Custom house, he should be allowed to exchange those goods for cotton in the interior without any inquiry as to whether he was dealing with rebels or loyalists. And the same rule should apply if he took sovereigns to make his purchase. Unless this rule be applied, the pretended opening of the ports is a delusion. If it be said that this will enable rebels to supply their wants, all I can urge in reply is that you



will play the rebel's game far more effectually by keeping back the cotton than by allowing the South to sell it.

Let me hear your views on this subject. But pray urge your government to act as I advise. Parliament will be prorogued in a few weeks and *it is during the recess that all the mischief is generally done in our foreign relations.* Write to me *Midhurst, Sussex*

and believe me yours very truly

R. COBDEN.

II.

ATHENÆUM CLUB

LONDON, 13 Feby., 1863

*Private*

My dear Sumner.

If I have not written to you before it is not because I have been indifferent to what is passing in your midst. I may say sincerely that my thoughts have run almost as much on American as English politics. But I could do you no service, and shrunk from occupying your overtaxed attention even for a moment. My object in now writing is to speak of a matter which has a practical bearing on your affairs.

You know how much alarmed I was from the first lest our government should interpose in your affairs. The disposition of our ruling class, and the necessities of our cotton trade, pointed to some act of intervention and the indifference of the great mass of our population to your struggle, the object of which they did not foresee and understand, would have made intervention easy indeed popular if you had been a weaker naval power. This state of feeling existed up to the announcement of the President's emancipation policy. From that moment our old anti-slavery feeling began to arouse itself, and it has been gathering strength ever since. The great rush of the public to all the public meetings called on the subject shows how wide and deep the sympathy for personal freedom still is in the hearts of our people. I know nothing in my political experience so striking as a display of spontaneous public action as that of the vast gathering at Exeter Hall when without one attraction in the form of a popular orator the vast building, its minor rooms and passages and the streets adjoining were crowded with an enthusiastic audience. That meeting has had a powerful effect on our newspapers and politicians. It has closed the mouths of those who have been advocating the side of the South. And I now write to assure you that any unfriendly act on the part of our government, no matter which of our aristocratic parties is in power, towards your cause is not to be apprehended. If an attempt were made by the government in any way to commit us to the South, a spirit would be instantly aroused which would drive our government from power. This I suppose will be known and felt by the Southern agents in Europe and if communicated to their gov-

ernment must I should think operate as a great discouragement to them. For *I know* that those agents have been incessantly urging in every quarter where they could hope to influence the French and English governments the absolute necessity of *recognition* as a means of putting an end to the war. Recognition of the South, by England, whilst it bases itself on negro slavery, is an impossibility, unless indeed after the Federal government have recognized the Confederates as a nation.

So much for the influence which your emancipation policy has had on the public opinion of England. But judging from the tone of your press in America it does not seem to have gained the support of your masses. About this however I do not feel competent to offer an opinion. Nor, to confess the truth, do I feel much satisfaction in treating of your politics at all. There appears to me great mismanagement I had almost said incapacity in the management of your affairs, and you seem to be hastening towards financial and economical evils in a manner which fills me with apprehension for the future.

When I met Frémont in Paris two years ago just as you commenced this terrible war I remarked to him that the total abolition of slavery in your northern Continent was the only issue which could justify the war to the civilized world. Every symptom seems to point to this result. But at what a price is the negro to be emancipated! I confess that if then I had been the arbiter of his fate I should have refused him freedom at the cost of so much white men's blood and women's tears. I do not however blame the North. The South fired the first shot, and on them righteously falls the malediction that "they who take the sword shall perish by the sword." And it seems unlikely that after all the much despised "nigger," and not the potentates and statesmen of Europe will be the final arbitrator in the great struggle.

Let me have a line from you when your Senatorial duties have ceased on the 4th, and afford you a little leisure.

Believe me,

Yours very truly

R. COBDEN.

III.

ATHENÆUM CLUB, LONDON

2 April, 1863.

*private*

My dear Sumner

On receipt of your letter I communicated privately with Lord Russell, urging him to be more than passive in enforcing the law respecting the building of ships for the Confederate government. I especially referred to the circumstance that it was suspected that some ships pretended to be for the Chinese government were really designed for that of Richmond, and I urged him to furnish Mr. Adams with the names of all the ships building for China and full particulars where they were being built. This Lord Russell tells me he had already done, and

he seems to promise fairly. Our government are perfectly well informed of all that is being done for the Chinese.

Now there are certain things which can be done and others which cannot be done by our government. We are bound to do our best to prevent any ship of war being built for the Confederate government, for a ship of war can only be used or owned legitimately by a government. But with munitions of war the case is different. They are bought and sold by private merchants for the whole world, and it is not in the power of governments to prevent it. Besides your own government have laid down repeatedly the doctrine that it is no part of the duty of governments to interfere with such transactions for which they are not in any way responsible. I was therefore very sorry that Mr. Adams had persisted in raising an objection to these transactions in which by the way the North has been quite as much involved as the South. If you have read the debate in the House on the occasion when Mr. Forster brought up the subject last week, you will see how Sir Roundell Palmer, the Solicitor General, and Mr. Laird the shipbuilder availed themselves of this opening to divert attention from the real question at issue—the building of war-ships to the question of selling munitions of war—in which latter practice it was shown you in the North were the great participators.

You must really keep the public mind right in America on this subject. Do not let it be supposed that you have any grievance against us for selling munitions of war. Confine the question to the building of ships in which I hope we shall bring up a strong feeling on the right side here.

I remain truly yours,

R. COBDEN.

IV.

LONDON 2 May, 1863.

*Private*

My dear Sumner

Though I have no news beyond what you will get from the public channels, yet I think it well to write a few lines on the present aspect of affairs.

I am in no fear whatever of any rupture between the two countries arising out of the blockade or the incendiary language of the politicians or the press on both sides of the Atlantic, though these may help to precipitate matters on another issue. But the fitting out of privateers to prey on your commerce and to render useless your mercantile tonnage is another and more serious matter. Great material interests are at stake, and unless this evil can be put down the most serious results may follow. Now I have reason to know that our government fully appreciates the gravity of this matter. Lord Russell whatever may be the tone of his ill mannered despatches, is sincerely alive to the necessity of putting an end to the equipping of ships of war in our harbors to be used against the Federal government by Confederates. He was *bona fide* in his aim

to prevent the Alabama from leaving, but he was tricked and was angry at the escape of that vessel. It is necessary your government should know all this and I hope public opinion in England will be so alive to the necessity of enforcing the law that there will be no more difficulty in the matter.

If Lord Russell's despatches to Mr. Adams are not very civil he may console himself with the knowledge that the Confederates are still worse treated. You will be amused at one of the intercepted despatches from Mr. Benjamin to Mr. Mason in which the former lectures Lord Russell on his bad manners. This despatch has been presented to Parliament. By the way in Harriet Martineau's "30 Years Peace," the continuation of the Pictorial History of England, she gives an anecdote of a conversation which an English traveller (known to be herself) had with Mr. Webster when the latter complained of the want of manners on the part of the Whig diplomatists which gave an advantage to the Tories over their political rivals in their relations with Foreign Countries. Hoping you are well

I remain very truly yours

R. COBDEN.

v.

MIDHURST, 22 May, 1863.

*Private*

My dear Sumner.

I called on Lord Russell and read every word of your last long indictments against him and Lord Palmerston, to him. He was a little impatient under the treatment, but I got through every word. I did my best to improve on the text in half-an-hour's conversation.

Public opinion is recovering its senses. John Bull you know has never before been a neutral when great naval operations have been carried on, and he does not take kindly to the task. But he is becoming gradually reconciled. He also *now* begins to understand that he has acted illegally in applauding those who furnished ships of war to prey on your commerce. *It will not be repeated.* I cannot too often deplore the bungling mismanagement on your side which allowed the two distinct questions of selling munitions of war, and the equipping of privateers to be mixed up together. It has confused the thick wits of our people, and made it difficult for those who were right on this side on the Foreign Enlistment Act to make the public understand the difference between what was and what was not a legal transaction. In fact your Foreign Office played into the hands of our politicians by affording them the means of mystification. If a plain, simple, short and dignified reclamation had been at first made against the fitting out of ships of war, with clear statement of the law, and a brief recital of what your government had done under similar circumstances, to us, it would have been impossible for our government to have resisted it. But when you opened fire on us for not stopping the export of arms and munitions of war, you offered an

easy victory to our lawyers, and gave them an opportunity of escaping in a cloud of dust from the real question at issue.

Mr. Evarts is "the right man in the right place." He is an able international lawyer. Quite a match for any one here in his own special walk. His manners are quiet and impressive. He is mixing very much in our best society and I hear him spoken of with great respect. He seems pleased with his reception.

I have received the volumes you were so good as to send me. The Congressional Globe interests me much. It gives a clear view of your mode of debate. You don't allow cheers, or "oh, oh," or general expressions of assent or opposition. But you allow interruptions, which we do not tolerate, in the way of questions, or interpolated remarks. I confess I like our manner the best. I am much obliged by the valuable volume on your census.

I am always glad to hear from you. Believe me

Yours very truly

R. COBDEN.

VI.

MIDHURST, SUSSEX, 7 Aug., 1863.

*My Dear Sumner.*

In the first place let me thank you for your kindness in forwarding me the "Congressional Globe," and other public documents which have been of very great use to me for reference, and without which I could not have kept myself *au courant* with your politics.

Next, let me congratulate you on the improved state of your prospects. So far as fighting goes, I think you have now little to fear from the Confederates. The danger is from the *politicians*. There are so many in the North hankering after the "flesh-pots of Egypt", that I shall not be surprised at an attempt to compromise with the South, and to take them back "institution" and all! Though I would not have begun the war for the emancipation of negroes, and though I cannot urge its continuance for that object, yet I have always felt that the only result which could justify the war was the manumission of every slave on the Northern Continent of America. To restore the old Union, slavery and all, will be to cover with shame the partisans of the North throughout the world, and justify the opponents of the war everywhere. It would leave the question still to be settled by a similar process of blood by another generation. However, I do not see how this compromise can be accomplished.

You will have had reason to feel but little satisfied with us during the late session. Had our government and parliament taken an enlightened view of the interests of the nation they would have competed with each other in their eagerness to amend our foreign enlistment act, in order to preserve intact so far as depended on us the neutrality code in which we above all nations are so deeply interested. I consider the whole system at an end. Nothing but the experiences of war in which we are bel-

ligerents and you are neutrals will open our eyes to a sense of the new situation in which we shall find ourselves.

Though we have given you such good ground of complaint on account of the Cruisers which have left our ports, yet you must not forget that we have been the only obstacle to what would have been almost a European recognition of the South. Had England joined France they would have been followed by probably every other State of Europe, with the exception of Russia. This is what the Confederate agents have been seeking to accomplish. They have pressed recognition on England and France with persistent energy from the first. I confess that their eagerness for European intervention in some shape has always given me a strong suspicion of their conscious weakness. But considering how much more we have suffered than other people from the blockade, this abstinence on our part from all diplomatic interference is certainly something to our credit, and this I attribute entirely to the honorable attitude assumed by our working population.

You will have observed the great prominence given of late to the Polish question. I do not believe it possible to involve England in a war with Russia for Poland. Nobody here believes in the capacity of the Poles for self-government. They are good fighters, and not very scrupulous as to what flag they fight under, but they are bad citizens. In France, however, there is a strong feeling in their favor by the Army, and the Church—the former from old associations on many a battlefield; the latter from identity of faith. And if Russia were less inaccessible to the French there would probably be an armed intervention. But it is difficult to see how the war is to be carried on if Germany persists in maintaining her neutrality. When you have a leisure ten minutes let me hear from you

and believe me      Yours very truly

RIC. COBDEN.

VII.

MIDHURST, 8 Oct. 1863.

*Private*

My dear Sumner

The admiration which I felt for the masterly ability of your speech at the Cooper Institute cannot suppress a certain amount of resistance to it on the score of *policy*. I was I confess rather beset with the feeling of *cui bono?* after reading your powerful indictments against England and France, *together*. It should have been your policy to have kept them asunder. Besides if all we hear be true we are not so bad as our great neighbour. We have done very uncivil things, but never has our Executive been prepared to take part with the French in recognizing the South, or in planting a thorn in your side in Mexico. Again was it politic to array us in hostile attitudes just at the moment when the hopes of the South were mainly founded on the prospect of a rupture between yourselves and Europe? Instead of bringing an indictment jointly

against France and England for their past misdeeds, would it not have been better to have shown in the most favorable colors consistent with truth, the strength of the alliance between the masses in England, led by so much of the intellect and the moral and religious worth of the kingdom, and the Federals, and to have demonstrated the impossibility of the aristocracy, with all their hostility, drawing us into a war with each other. You were I suspect speaking under the impression that the iron-clad rams would be allowed to leave. I was sure, as I told Evarts and Forbes again and again, that those vessels would not be allowed to sail. The fact that they were armoured, turreted, and *beaked*, constituted them armed vessels even under the most lax interpretation of our Enlistment Act.

Your career seems to be again checkered with partial reverses. I suppose this will tend more than ever to draw the Federal authorities towards the employment of the African race in the war. For my part I have always thought that the negroes who are the main cause and object of the war will play an important part in its final operations. In India the Sepoys have always done the chief part in our territorial conquests, although they are a very inferior race physically to the negroes. Whoever heard of a Hindoo offering to fight a picked Englishman in the prize ring? He would hardly have a better chance than a woman. But we have had black men doing this in England. Tom Cribb had to fight a severe battle for the champions belt with the negro Molyneux. If this horrible war for the freedom of the slaves is to go on, I think in the interests of the negroes themselves all over the world it is to be desired that the black man should be found fighting his own battle. To this you will be brought probably against the wish of a majority of the Federals. Don't be tempted to enter on any defense of your course in answer to my bill of exceptions. You can be better employed than in a controversy with me.

Believe me

Yours very truly

R. COBDEN.

VIII.

MIDHURST, 18 Aug., 1864.

*My dear Sumner:*

It is long since we exchanged a letter. I do not know whether I am your debtor in our epistolary ledger. But I at all events have to thank you for the printed papers you have from time to time forwarded me and which I have read with much interest, and heartily congratulate you on every step you have gained in your struggle for human rights and freedom. Whatever may be the fate of the war *your* triumph will be a permanent gain for humanity.

Along with your partisans generally in this country, I am looking with deep and constant solicitude to the progress of your terrible struggle. There is however a constant struggle in my own breast against my paramount abhorrence of war as a means of settling disputes whether between nations or citizens of one country. If it were not for the interest I felt

in the fate of the slaves, and the hardly inferior interest in the removal of that stigma of slavery from your character as a free Christian community, I should turn with horror from the details of your battles, and wish only for peace on any terms. As it is I cannot help asking myself—whether it can be within the designs of a merciful God that even a good work should be accomplished at the cost of so much evil to the world. I have been much disappointed with the result so far of the Virginia campaign. I suppose it has been inevitable. But we were told by those who ought to have been well informed that you were approaching Richmond with three armies any one of which was able to cope with the rebels. Now however we see two of these armies disappear from the scene, and the third held in check by a portion of Lee's army whilst he sends part of his forces to menace you within your own territory and even to threaten your capital. All this of course tends to confirm nine-tenths of our politicians here in their belief that the success of the North is impossible. For my own part having never considered that the issue depended on fighting but on the sapping and mining of the social evil of the South I still look forward with unabated confidence to the triumph of the North.

But I begin to speculate on the effects which the failure of Grant's campaign may have on your politics. Sometimes I speculate on the possibility of your imitating the course which political parties often follow here, and that your Democrats who *appear* to be for peace may come into power and carry out even more successfully than *your* party could do the policy of war and abolition of slavery:—Like Peel in his course on Free trade and Catholic emancipation they would have the advantage of being sure of the support of the honest advocates of the policy they adopted even although they were nominally in the ranks of their political opponents. What I most dread is your falling into political confusion in the North. That would be a severe blow to the principle of self-government everywhere.

I must not omit to mention that my friend Mr. Goldwin Smith, Professor of Modern History at Oxford, goes out by the Europa for a visit to the States. He needs no personal introductions and I have given him no letters. But I need not tell you that he deserves well of your country. He is one of the few men moving in his sphere who has given a hearty and most brilliant support to your cause.

A relative of mine, Colonel Cole of the 15th Regt. stationed in New Brunswick, and who lately filled temporarily the post of Governor of that Province, will make a short tour in the States, and will present you with my card of introduction. I shall be obliged if you will give him any introductions you can to the military authorities so as to insure him all possible facilities for seeing your army in the field.

Mr. Scovel who paid me a visit here in the winter is I believe a Senator of the New Jersey Legislature but I do not know his address. Would you oblige me by posting the enclosed to him.

With my best wishes always

believe me

Yours very truly

RICHARD COBDEN.



## IX.

MIDHURST, 11 Jan., 1865.

*My Dear Sumner*

I have not only to acknowledge your last letter to me but also many printed papers which you have from time to time been so good as [to] forward me.

I agree with a remark in the concluding passage of your last letter that you are fighting the battle of liberalism in Europe as well as the battle of freedom in America. It is only necessary to observe who are your friends and who your opponents in the old world to be satisfied that great principles are at stake in your terrible conflict. But it is not by victories in the field alone that you will help the cause of the masses in Europe. End where it may, the Civil war will, in the eyes of mankind, have conferred quite as much "glory", so far as mere fighting goes, on the South as on the North. It is in your superiority in other things that you can alone by your example elevate the old world. I confess I am very jealous of your taking a course which seems to hold up *our* old doings as an excuse for your present shortcomings. Hence I was sorry to see your republication of the old indictment against us in your very able and learned pamphlet. My answer is that your only title to existence as a Republic is that you are supposed to be superior to what we were 60 years ago. Had you returned the Florida to Bahia without a moment's delay, cashiered the Captain of the Wachusetts, and offered to pay for the support of the survivors who were dependent on those who were killed or drowned in that wicked outrage, your friends would have felt some inches taller here. *That* would have been the true answer to the taunt of our Tory press, and not the disinterment of the misdeeds of our Tory government to show that they did something almost as bad as the Federal commander.

You see I am taking the liberty of ancient friendship with you; and whilst in the vein let me ask what is the meaning of the Bobadil strain in which the New York Times treats the Canadian question? We are accustomed to disregard the Herald as an Ishmaelite organ which represented no political party, and whose proprietor was a renegade Scotchman. But the "Times", with Mr. Raymond at its head, was supposed to be something different. I confess however I never saw anything from Mr. Gordon Bennett's paper more calculated to weaken your good influence over this country than the article to which I refer. Are we henceforth to have two New York Heralds instead of one? But enough of this vein.

I observe an attempt by the Times (London) correspondent at New York to make it appear that the American public are again beginning to apprehend European intervention in some form. I do not believe there is the remotest risk of any thing of the kind. You will I hope have soon got possession of all the ports of entry in the South and re-established your custom houses; when that is done I do not see how a collision or misunderstanding with a neutral maritime power can possibly arise.

I was much pleased with your speech on the Canadian difficulty in

the Senate where you spoke of avoiding all quarrels with other countries, and devoting yourself to the one sole object of putting down the rebellion. I am not blind to the fact that very grave questions will stand over for adjustment between your country and ours. Some of them, such as the injury done to your whole shipping interest, by the losses and destruction of a part, can hardly be settled by governments. They will I fear invite future retaliation on our shipping by citizens of your country, if *we* should ever go to war. But all these questions must be postponed till your war is ended, and then probably the whole world may be ready for a thorough revolution in international maritime law. It will be for you to show the way.

I wish I could see more intelligence in your midst on questions of finance and political economy. Your Congress seems to me just about on a level with the British parliament of 1818 before Huskisson commenced his first reforms of our fiscal system which were afterwards followed up by Peel and Gladstone. I have always considered it a great misfortune that the New Englanders who have been the schoolmasters of the Union, should have thought themselves interested in the policy of "Protection." They have spread the heresy over the land. However, I have great faith in the intelligence of your people, *after they shall have been in the school of adversity.*

I observe that your Secretary of the Navy calls for government yards. As a rule all heads of departments wish to become manufacturers. In this country they have contrived to inveigle us into all kinds of undertakings, and it has been found very unprofitable. We are now trying to make our government resort to private enterprise for the supply of their wants. But it is very difficult to retrace our steps. I send you a couple of copies of a speech I made on this subject last year. Pray put them into the hands of parties taking an interest in the subject.

You were so good as [to] send me the Congressional Globe, bound to March, 1863. If you would forward me the continuation I shall be obliged. Send me also copies of your Diplomatic Correspondence for last year and your departmental Reports on Navy, Finance, etc.

We find it almost as necessary to be "posted" in your "bluebooks" as our own. I hope this will find you well. Believe me

Yours very truly

RIC. COBDEN.

*Hon. Charles Sumner*

*U. S. Senator.*

It seems as though the rebels when driven to desperation would emancipate their slaves, and make *that* the ground of an appeal to Europe for recognition. I hope you will anticipate them by a 2/3<sup>rd</sup> vote of Congress for altering the Constitution.



x.

MIDHURST, 2 March, 1865.

*My Dear Sumner*

I feel it a pleasant duty to give you my best congratulations on the recent proceedings within and without your Halls of Congress. The vote on the amendment of the constitution was a memorable and glorious event in your history. Another incident, that of your introduction of a colored man to the Supreme Court was hardly less interesting. In all these proceedings at Washington you ought to be allowed to indulge the feelings of a triumphant general. You served as a volunteer in the forlorn hope when the battle of emancipation seemed a hopeless struggle. *Your* position within the walls of Congress was very different from that of the agitators out of doors—meritorious as were their labors. I have served in both capacities, and know the difference between addressing an audience of partisans at a public meeting and a hostile parliamentary assembly. The rapid progress of events and the sudden transformation of opinion must impart a constant excitement to your life;—it must be something like the movements of a kaleidoscope. I heartily congratulate you and wish I could shake hands and have a chat with you on all that is passing. Looking on from this distance, I cannot doubt that your *great* military operations are drawing to a close. The war is being driven into a corner. A few months must decide the fate of the armies in the field. If Lee is beaten I see no other great army, and the Southern people are too intelligent to attempt to protract the struggle into a guerilla warfare. But it is useless to offer speculations here on events which will be realized probably ere you receive this.

I observe an attempt to alarm you with the prospect of European intervention. I need not tell you that this is the purest fiction. Nothing of the kind is now possible. You know that at first I was very apprehensive. And you know also that from the first the French government has been courting the alliance of England in a scheme of intervention. "Barkis is willing" has been the constant language of Napoleon to Madame Britannia. It is nothing but your great *power* that has kept the hands of Europe off you. When the deputation of Free traders applied to the Minister Guizot in 1846 for authorization to hold meetings to agitate for free trade they received permission with the benediction—"Soyez fort, et nous vous protegerons." This is about an amount of what your friends in Europe have been able to do for you. There is no denying the fact that your terrible struggle has demonstrated an amount of hostility on the part of the ruling class here, and the ruling powers of Europe generally toward your democratic institutions, for which none of us were prepared. Still it must not be forgotten that the common people of England were true to the cause of freedom. It has never been possible to call a public open meeting, *with notice*, to pass a resolution in favor of the rebellion. It would have been voted down by the working men. I know you are greatly and justly angered at the conduct of our upper classes—but do not forget the attitude of the workers.

I have to thank you for sending me the Congressional Globe and other public documents. I send a few copies of my speech on manufacturing government Establishments. Please to put them into the hands of any who take an interest in such matters. Attempts will be made to induce you to set up great government works. But you had far better rely on private enterprise.

If there be anything arising between the two governments of which I am not likely to be fully informed, I shall be obliged by your confidentially informing me. Is there any other reason besides ill health for Lord Lyons' resignation?

Believe me Yours truly,

R. COBDEN.

*Hon. Charles Sumner.*

P. S. I am more alarmed at the politico-economical delusions that prevail in your high places than at the arms of the rebels. Who is Mr. "Maximum" Stephens who thinks he can control the price of gold if he can only induce a majority of Congress to agree with him? The serious part of it is that he has so large a following.

You have a most serious task before you when the war ends, in clearing away the wreck and adjusting your pecuniary, political, and social difficulties. The country is revelling in a Saturnalia of greenbacks and government expenditure, and is under a delusion that it is a genuine prosperity. It is destined to a rude disenchantment, and this will test the statesmanship of the republican party.

## REVIEWS OF BOOKS

*Manuel de Bibliographie Historique.* Par CH.-V. LANGLOIS, Chargé de cours à la Faculté des Lettres de Paris. I. Instruments Bibliographiques. (Paris: Hachette et Cie. 1896. Pp. xi, 193.)

"Of all the sciences auxiliary to historical studies," says M. Lang-

lois in his preface, "bibliography is incontestably the most generally useful and the most neglected." Palæography, epigraphy and diplomatics concern directly only a limited number of students, but no one can carry on useful work in any line of history without some acquaintance with bibliography, without the ability to find out what are the sources for a given subject, what has already been written upon it, and what are the best means of keeping abreast of new publications as they appear. The knowledge of this sort which one acquires by experience is almost inevitably fragmentary and incomplete, and must be gained at the cost of mistakes that might have been avoided, and time which might have been saved, by systematic training in the use of bibliographical tools. The necessity of a well-ordered knowledge of bibliography grows more pressing with increased activity in publication, not only as a means of rendering accessible the enormous mass of material constantly pouring from the press, but also in order to direct attention from well-gleaned to more profitable fields of investigation and thus bring about economy of effort in historical research.

It was such considerations as these that led M. Langlois to introduce systematic instruction in historical bibliography at the Sorbonne and to publish the first part of his unique course in permanent form. The *Manuel* is not a list of "best books" or a "reader's guide" to historical literature; its aim is to introduce the reader to the best instruments of bibliographical research and enable him to use them intelligently. The volume naturally falls into two parts. The first book deals with the general works which the historian must use in common with other students: bibliographies of bibliographies, repertories of incunabula and of rare or useful books, library catalogues, and the registers of publications issued in the various countries. Book II. is devoted to historical bibliography proper, and treats first of works relating to the original sources and then of the bibliographies of printed books, arranged according as they have to do with universal history, with the principal periods of history, with the history of particular countries or localities, with special branches of history, or with allied sciences. The enumeration of titles under the various headings does not profess to be exhaustive; the author has selected the works which have proved useful in his own experience or are well spoken of by specialists, and while opinions will of necessity differ as to

the wisdom of the selection in every case we doubt whether many important works will be found lacking. American contributions to bibliographical science are well represented; we miss, however, Jones' *Index to Legal Periodicals*, Miss Davenport's bibliography of English manorial and agrarian history, and Vincent's *Contributions toward a Bibliography of American History, 1888-1892*. Additional indexes of publications of the United States Government might well have been mentioned. The author has been misled by the title of Gurney's *Reference Handbook of English History*, which is not a bibliography, but a set of genealogical tables, nor is it entirely fair to class Larned's *History for Ready Reference* among bibliographies of universal history. W. F. Allen's *Reader's Guide to English History* should be cited in the revised edition of 1883 and as an independent publication.

M. Langlois has not confined himself to a mere list of titles, but has commented freely on the works cited and made numerous references to critical reviews, while the excellent discussions of bibliographical method make the book valuable to professional bibliographers as well as to students of history. Ease of reference is secured by the arrangement of the material, which has evidently been classified with great pains, and by an unusually complete index. Praise should be also given the proof-reading, which has been done with extraordinary care, particularly in the difficult matter of citations from foreign languages. It would be hard to find another work which condenses into the same space so much useful and accurate information on historical matters.

The second part of the manual is to treat of the history and organization of historical studies in the various countries of the world and describe "the principal undertakings and monuments of modern erudition and historiography."

CHARLES H. HASKINS.

*Historical Briefs.* BY JAMES SCHOULER. With a Biography. (New York: Dodd, Mead and Co. 1896. Pp. 286.)

IN this volume are collected nearly all of Mr. Schouler's detached essays on historical subjects. In six of them Mr. Schouler discusses the processes of the historian, a field which has been much neglected by English and American historical writers, who, in the practical spirit of Dr. Primrose, seem to have thought it of more service to produce literary offspring than to talk about it. As a result, the English student has had to rely for guidance mainly upon examples and *obiter dicta*. Mr. Schouler's contribution to supply this deficiency deserves a cordial welcome from teachers and students. It is, however, the youthful writer of history rather than the investigator to whom the author addresses himself in the majority of these papers. Not the least interesting feature of these discussions is his revelation of his own method of work. In the more theoretical parts Mr. Schouler has compressed his matter too much; the essay on "Historical Testimony" in particular could have been expanded



with advantage by adding to the enumeration of different classes of sources some discussion of their relative importance. Mr. Schouler is a hearty believer in personal research, and in the paper on "Historical Industries" he makes a vigorous plea for the individual historian as against the formidable rival of his work, the co-operative history.

Soon after the Lenox Library acquired George Bancroft's collection of books and transcripts Mr. Schouler found there, in the copy of Polk's voluminous diary, the material for two fresh and instructive studies of his administration. One rises from their perusal with the conviction that Polk was a man of greater strength and fewer scruples than he has commonly been credited with, and that in tenacity of purpose "Young Hickory" came little short of his namesake and mentor.

The second part of this volume is devoted to a sketch of Mr. Schouler's life made up from material furnished by himself. The simple and interesting fragments of autobiography interspersed here and there make one wish that it had all been in that form. In the earlier part many glimpses are given of General William Schouler, the independent and vigorous editor of the *Boston Atlas*, and later, the energetic Adjutant-General of Massachusetts during the Civil War. Both father and son appear in thoroughly attractive light in this narrative, and many among the thousands of students of history and law who have received instruction from Mr. Schouler's works will welcome this confidential introduction to his personality. To their respect for the scholar will be added attachment to the man.

EDWARD G. BOURNE.

*The History of Mankind.* By PROFESSOR FRIEDRICH RATZEL. Translated from the second German edition, by A. J. Butler, M. A. (London and New York: The Macmillan Co. 1896. Pp. xxiv, 486.)

SINCE the publication of the first edition of this work in Germany in 1885 it has held the position of the most popular manual in its particular field, that of ethnography, or the description of the culture of existing tribes and peoples. The title borne by the present volume, *The History of Mankind*, does not express this, and is scarcely justified by the method adopted by the author and set forth in his first chapter, that of studying present conditions through their historic developments.

The first volume of the translation here presented contains two books, the first the general introduction, the second embracing three chapters devoted respectively to the races of Oceanica, the Australians and the Malays. The latter he includes under the general rubric, "The American-Pacific group of races." These two divisions may be examined separately.

The introductory book is devoted to "The Principles of Ethnography." After a brief exposition of the number and geographical locations of the human "race," and a reference to the position of natural "races,"

the rise and spread of civilization are discussed. As will be seen by this statement, the author employs the word *race* in different senses, and does not clearly define its scope. By "natural" *races* he explains that he means those "more dependent on nature" than civilized peoples, borrowing the term apparently from Waitz but not mentioning him. In the same paragraph (p. 14), he adds that civilized men "are more dependent on Nature than any former generations." This is well calculated to confuse the reader who is not versed in ethnologic subtleties.

The elements of ethnography he presents as the language, religion, arts, family relations and government of peoples; and to each of these he gives a section, setting forth the method with reference to it which he proposes to adopt. Each language is regarded "as a special organism with a development of its own." Both copiousness and deficiency in a language alike spring from immaturity (p. 35). The subtler view of language set forth by Wilhelm von Humboldt, that it is a powerful instrument in moulding the mind of the people who speak it, is not considered. Concerning religion the author writes, "Religion is everywhere connected with man's craving for causality." In this he follows Peschel and various older ethnographers, although it is certainly obvious enough that if there is any department of reasoning where the doctrine of causality is sedulously ignored it is precisely in religion. Fetishism (p. 44) is described as meaning the connection of "countless tribes of souls" with various articles. This is a common error of those who claim the worship of souls as the primitive form of religion. In fact, the fetish is as often believed to be inspired by independent spirits as by those who have passed through human life.

Passing from these general considerations to the special treatment, each of the "races" above mentioned is considered in the light of the general principles named. The author expends considerable space in defending a supposed close relationship between the Polynesians and the Americans. The identities he mentions are: That both were in the stone age; that neither knew the treatment of iron (not surprising in Polynesia!); that there is a similarity of color (?); that in both districts the skull forms are variable (equally true of the Aryan stock); that their religions are alike (not more so than to early classical models); and that mother-right exists in America, and although it does not in Polynesia it must have been there once and "broken down!" (p. 151.) The extraordinary weakness of all this is too apparent to need further comment.

When the author escapes from this theorizing and gives objective descriptions of the armor, tattooing, habitations, arts, social conditions, theories of relationship, calendars and so on, he draws from the best authorities and presents clear and accurate pictures, carefully copied from life. He has a kindly tendency to bring to the front that which is favorable and which indicates a growth into higher developments of life. There are in every social condition elements of degeneration, just as there are in every human body; but while it is right not to lose sight of these in a general estimate, unquestionably our chief attention should be



directed to those elements which indicate the capacity of progress and its realization.

The chapter on the Australians represents them as a people who have deteriorated from a better condition of existence, owing to the constant struggle for life which confronts them. This is a charitable inference, but has no positive foundation. There are no remains in their extensive territory which suggest that their ancestors stood on any higher plane of culture. Their religion, which is quoted in evidence, appears superior only because most writers studiously undervalue the religious capacity of the lower races.

In speaking of the Malay race, the author expresses positively the view that its members and the Polynesian group belong to one stock, "in respect of bodily characteristics and language;" thus discarding the dreams of Judge Fornander and some later ethnographers, that the Polynesians should be considered allied to the white race. The Malays themselves he believes, in spite of their striking somatologic identities, to be a stock of extremely mixed descent.

The translator, Mr. Butler, has taken pains to make his rendering not only accurate, but readable. He has allowed himself various liberties with the spelling of geographical names and defends this in his preface. Such variations are confusing and to be deplored, and emphasize again the desirability of an international geographical committee to frame a standard orthography for such terms, which may be generally adopted.

The illustrations in the text are numerous and good. They represent the physical appearances of the natives from photographs, and their accuracy therefore may be depended upon. Many of the cuts show art designs, armor, dress, mythological objects, boats, agricultural implements, etc. There are nine full-page colored illustrations of a similar character, extracted from trustworthy sources. A colored ethnographic map of the island world indicates the position of the tribes mentioned in the text. When it is added that the type is clear and the paper excellent, no one will doubt that the volume presents an attractive appearance.

It is intended for popular instruction and is well suited to that purpose. The specialist will find in its pages much which he will be glad to have collated in commodious form; and though the author gives no references to his authorities, this will probably render his pages all the more agreeable to the public for which they are intended.

D. G. BRINTON.

*A History of Egypt.* Vol. II. The XVIIth and XVIIIth Dynasties. By W. M. FLINDERS PETRIE, D.C.L., LL.D., Edwards Professor of Egyptology in University College, London. (London: Methuen and Co. New York: Charles Scribner's Sons. 1896. Pp. xvi, 353.)

THE materials upon which a history of Egypt must be based are almost exclusively monumental. This fact must be especially born in

mind by the reader of Mr. Petrie's *History*, the second volume of which, entitled as above, has just appeared. The reader of modern European history seldom gives very much thought to the sources from which the facts adduced have been obtained. These sources remain in the background and are seldom, if ever, mentioned. If they are referred to, it is evident that they are documentary, consisting of state archives, correspondence, other histories and the like. For the validity of the facts adduced very little depends upon the workmanship of the manuscript, the place where it was found, the material or any such considerations. But the case of a history depending upon monumental sources is very different; here very often the entire story which a stone may tell us depends largely upon the place where it was found, the style of the work, or upon some elusive peculiarity which only the keen eye of the archæologist on the spot will seize upon and make permanent in his notes. Such materials Mr. Petrie is rarely endowed to sift and investigate, and if these materials occupy so prominent a position in his history the fact is to be attributed to the above considerations. To use a figure, one sees every individual brick in his historical edifice, without any softening or diminution of perspective. It cannot be denied that this method mars the symmetry and the architectural effect of the whole; the general impression is obscured by the prominence and clearness of often irrelevant archæological detail. It is possible to write the history of Egypt without making the materials so prominent, but such was not Mr. Petrie's purpose nor desire, for, as he says in his preface, he has adhered to "the standard of leaving no fact or monument referring to the regal history unnoticed." He further explains, "Such a text-book is of necessity only a work of reference in many parts; but general observations on the condition of the country, and the circumstances of the rule, have given scope for summarizing the view suitably for the historical reader." Anyone, therefore, who knows how complex and how vast the monumental sources of this history are will be very grateful to Mr. Petrie for his thorough presentation of published and unpublished materials. The work of Wiedemann is thus brought up to date and made accessible to the English reader, and will prove invaluable to the real student of this history.

The first volume, which appeared late in 1894, carried the history down to the close of the sixteenth dynasty; the present volume contains the seventeenth and eighteenth dynasties. The great periods within these dynasties are chiefly three: the expulsion of the Hyksos, the conquest of Syria, and the reform of Amenhotep IV. These offer material enough to fill a volume by itself, and constitute the most stirring and active epoch in Egypt's career. In reconstructing the usually obscure chronology of the time Mr. Petrie adduces every scrap of evidence, and in the case of Amenhotep II. has himself discovered a very important datum, a scribe's mark on a wine-jar of the king's twenty-sixth year, which is twenty-one years more than the monuments have hitherto given him. A translation (rather free) of the remarkable annals of Dhutmose (Thotmes) III. will be very interesting reading for the layman; this

Napoleon of ancient Egypt crossed the Suez in no less than fifteen great campaigns into Syria, and his account of these expeditions, his geographical lists and the paintings in contemporary tombs constitute invaluable sources of information concerning Palestine previous to the Israelitish occupation. The ingenious and original treatment of these geographical lists seems very reasonable. A systematic and historical arrangement of the correspondence which grew out of these Asiatic conquests, and which is known as the Tell-el-Amarna letters, is a unique feature of Mr. Petrie's book; it offers a summary of the contents of each letter which will prove very convenient and useful.

Mr. Petrie's deservedly favorite king is that remarkable idealist, the world's first reformer, Amenhotep IV., who in the fourteenth century B. C. made a daring attempt to introduce a very pure and lofty monotheism, and at the same time to exterminate polytheistic observances, priest-hoods and temples throughout his kingdom. This attempt occupies the third period above referred to. The god of this reform was the sun under the name Aten, an ancient word meaning simply "sun" and possessing no theological or religious significance, until it was taken by the priests of Heliopolis a generation before Amenhotep IV. Finding himself hampered by the theological traditions of Thebes, Amenhotep deserted this city of his fathers and on the plain of modern Tell-el-Amarna built his new temple city and palace, where for eleven years he successfully maintained the new faith against the tremendous opposition of prejudiced tradition. Dying after a reign of seventeen years, the great movement he had led perished with him, and unable to survive the struggle his family lost the throne, the eighteenth dynasty was brought to its close, and Egypt was forced to relinquish probably all of her Asiatic conquests. Mr. Petrie would attribute this remarkable movement solely to external influences introduced chiefly through the foreign marriages of these later eighteenth-dynasty kings, especially by Amenhotep IV.'s alien mother, Tey. That foreign influences were strongly operative in the cosmopolitan Egypt of the eighteenth dynasty is of course evident. Does it, therefore, follow that this reform was due to these influences? If we find an unusual product of any kind in Egypt at this time we can prove it foreign by two facts: first, that nothing of the sort belongs among the products of Egypt; second, that similar products are the work of this or that foreign country and have been found there. Applying this test to the reform of Amenhotep IV. we find that as far back as the Old Empire the pyramid texts of the fifth dynasty already show a distinct, unmistakable tendency toward solar monotheism. This tendency is in full swing in the Middle Empire, and the reform of Amehhotep IV. is its expression in the New Empire. Again, applying the second demand of the test, there is not among the foreign countries influencing Egypt at this time a trace of monotheism to be found; indeed the Hebrews, living more fully under the influence of these countries than did Egypt, probably never attained a pure monotheism until the exile, and are continually reproached by the prophets

for yielding to the polytheistic influences of surrounding peoples. Historically speaking, therefore, we find: first, that the movement of Amenhotep IV. may be traced to home tendencies; second, that there is nothing abroad which could have been brought in to prompt it. But an etymological argument is also adduced (p. 212) for the foreign origin; the name Aten is held to be etymologically the same as "the Syrian Adon." The dangerous attractiveness of etymologies is well known; remarkable accidental resemblances between words of similar meaning in languages widely separated are frequent. For example, in Coptic *sheune* means "barn," and is precisely the same as the German *Scheune*, "barn." But the resemblance between Adon and Aten is only seeming, for the Semitic equivalent of the consonants in the old form of Aten is 'SN, which of course has no connection with those of Adon. The argument from etymology cannot, therefore, affect the above conclusion.

One of the impressive facts observed in studying this volume is the large proportion of the monumental material, the discovery of which is due to the author himself in the course of many years of excavation in the Nile valley, and the already long series of exhaustive monographs, minutely presenting the results of these excavations and published almost as rapidly as they have been made. These are in happy contrast with the evidences of mal-administration on too many sites in the excavations of past years. For example, on p. 220 we find this, referring to the tomb of Amenhotep IV.: "In 1891 M. Grebaut obtained knowledge of this tomb, and it was cleared irregularly and without continuous supervision, the men employed selling the objects that were found." There is no better evidence of the admirable work Mr. Petrie is doing in saving for history and archaeology the surviving remains of Egyptian civilization than the number of unavoidable references to the published reports of these excavations. Since his appointment to the directorship of the Egypt Exploration Fund it is to be hoped that the people of America will recognize his great services in the past by liberal support of the Fund.

In conclusion, a list of minor errors for correction in a future edition may be useful. P. 17 "Hauar" but p. 22 "Hat. uat;" p. 43 "But it seem" for "but it seems;" p. 45 "Zeser. ka. ra" but p. 37 "Zaserkara" (bis) and p. 48 "Zesarkara;" p. 50 "(L. D. iii. 6b)" should be "L. D. iii. 4b;" p. 56 "*cannot* be modified *scarcely* one year;" p. 170 "Maa. neb. ra," elsewhere "Neb. maat. ra" or p. 189 "Neb. ma. ra" and "Ra. maa. neb;" p. 208 "Akenhaten;" pp. 233-4 and 242 "ser" for "zeser."

JAMES HENRY BREASTED.

*History, Prophecy and the Monuments*, or Israel and the Nations. By JAMES FREDERICK MCCURDY, Ph.D., LL.D., Professor of Oriental Languages in University College, Toronto. Volume II: To the fall of Nineveh. (London and New York: The Macmillan Company. 1896. Pp. xxi, 433.)

UP to no great while ago the old Hebrew social-political history was little more than a list of names; its real significance was unknown, and



the thought of the prophets was correspondingly obscure. Within the last generation, however, this condition of things has materially changed. More thorough literary study of the Old Testament and the discovery and decipherment of hundreds of Egyptian, Babylonian and Assyrian inscriptions have thrown a flood of light on the historical relations of the ancient West-Asiatic peoples and on the social, political, moral and religious principles which these peoples represent. The beginnings of civilization have been pushed back farther and farther; a Babylonian kingdom has been discovered to which the date 4000 B. C. is assigned (and an antiquity greater than this by one or two thousand years is claimed for the Babylonian monarchy by some), and the empire of the Nile can hardly have been behind its Mesopotamian sister and rival. The Babylonians began to invade Canaan at a very early period (apparently as early as 3800 B. C.), and prior to the fifteenth century B. C. The Babylonian language, written in cuneiform script, was the medium of communication between the Nile and the Euphrates and between the Egyptian governors in Canaan and the Egyptian court. It has become possible to fix the historical situations and the dates of a great part of the prophetic writings, and the sociological investigations of Maine, McLennan, Spencer and others have furnished material for the understanding of the social development of the Hebrews. Much has been done by Renan, Stade, Robertson Smith, Nowack and other recent writers in the way of applying all these new results to the elucidation of the Old Testament.

Professor McCurdy is not only able to profit by the labors of his predecessors, but has also the advantage of the discoveries made since they wrote. His method is to interweave the histories of the connected peoples in each period, to point out the historical presuppositions and moral principles in the prophetic writings, and to treat the social constitution in separate sections. This method has obvious advantages in the hands of a competent scholar and good writer, and is employed by Mr. McCurdy with excellent effect. His presentation of the material is admirable in arrangement; his style, though somewhat formal and Gibbonesque, is clear and vigorous. His first volume brought the history down to the fall of Samaria, B. C. 722; after a general sketch of the social ideas of the Semites it gave detailed accounts of the Babylonians, Assyrians and Aramæans, and their relations with the Israelites, the political history of Israel, and an examination of the earliest prophets. The second volume goes to the fall of Nineveh, B. C. 607, taking first the social and then the political history.

To the pre-exilian social political constitution Mr. McCurdy wisely gives large space (200 pages). After a description of the elements of Hebrew society, he considers the Hebrews as nomads and semi-nomads, then as settled in Canaan, then under the monarchy, and finally devotes a chapter to "society, morals and religion." The main points of his discussion are the organization by tribes, clans, families, status of the slave, power of the house-father, position of woman as daughter and as wife, status of the foreigner naturalized and unnaturalized, relation be-

tween the poor and the rich, importance of the possession of land, social abuses, influence of judges and priests, history of the transition from the nomadic to the agricultural state, influence of public religious worship, political and military organization under the monarchy. His general sociological results differ very little from those which have been reached by other writers on the subject. He rightly regards the clan as the fundamental political unit, its mark being blood-relationship, actual or assumed; his treatment of the family, taking the term in its narrowest sense, seems not quite satisfactory. He is, however, right in claiming for the Hebrew father something like the Roman *patria potestas*. He sides with those who regard the position of the Hebrew wife as a high one; this subject (on which Professor McCurdy has some judicious remarks) is a difficult one—the history of the Semitic woman yet remains to be written. An excellent feature of the whole discussion is the constant reference to ethical principles and results. The author's point of view in this regard is the right one; he takes the history of Israel as a part of Semitic and of universal history, and undertakes to treat it in the same way in which all other history is treated. On the other hand, he is correct in regarding certain ideas as peculiar to the Israelites; their institutions, domestic, civil and religious, are, as he says, simple and comprehensible to us (it is questionable whether he is right in adding, p. 32, "to a degree quite unique"); and he goes on to illustrate in an interesting way the part which such words as *tribe, family, father, mother, brother, servant*, play in the Old Testament. But throughout the book he is in danger of losing sight of his own principle that Israel was subject to the common laws of humanity. He takes the prophets as the expounders of the ethical significance of the facts of life, and this no doubt they are; but it is going too far when he ascribes to them an absolutely pure moral standard. It is obvious that Jeremiah and Ezekiel, for example, treat foreign nations from the point of view not of their absolute moral worth, but of their political relations with Israel. Nor does our author distinguish properly between ethics and religion; the moral code of the Hebrews, like that of all other peoples, was worked out by their social life and then adopted by the teachers of religion. In connection with his discussion of the social question it must be noted that his interpretation (pp. 218 ff.) of the term "poor" in the Psalms as meaning the physically indigent is almost certainly wrong; the reference generally, if not always, is to the post-exilic Jews as under foreign oppression. Further, his assumption that the Biblical account of legislation at Sinai is correct tends to obscure the early institutional history. But while exception must be taken to these and other points, such as the treatment of Baal, p. 130, and the use of the term "usury," p. 198, elsewhere, as in the description of the *ger*, p. 180, and the explanation of the part played by the nobles, p. 193, the author is felicitous, and his whole discussion is suggestive and instructive.

The political story of the period under consideration is well told. It includes the reigns of the Assyrian kings Sargon, Sennacherib, Esarhad



don, Assurbanipal and their insignificant successors down to the overthrow of the empire, and the contemporary kings of Egypt and Judah. Professor McCurdy gives a vivid picture of the indomitable Babylonian patriot, Merodach-Baladan. He rejects with probability the supposition of a devastation of Judah by Sargon, and thus would not assign Isa. i. to the reign of that monarch. As to the vexed question of the date of Hezekiah's accession he rejects the years 727-6 and 715 and adopts 720-19, changing Hezekiah's age at accession from 25 to 15 years; yet the most trustworthy datum appears to be the statement of 2 K. xviii. 13 that Sennacherib invaded Judah (701) in Hezekiah's fourteenth year, which would make the accession year 715. For the number of Sennacherib's soldiers destroyed by "the angel of the Lord" he suggests 5,180 instead of 185,000 (the Hebrew text is certainly corrupt), brings the story into connection with the field-mice story of Herodotus (II. 141), and puts the scene near the Egyptian border. He emphasizes the importance of the Arabians of this period, and observes that the Gomer of Gen. x. came to the knowledge of the Israelites after the eighth century B. C. In his citation of Ezek. xxxi. 3, p. 413, he has failed to note that the Hebrew text is corrupt and that there is no reference to Assyria. He, with perhaps undue severity, characterizes Sennacherib as savagely cruel, and Assurbanipal as vainglorious, self-indulgent and barbarous.

I have left myself no space for the examination of Professor McCurdy's numerous suggestive citations from the prophetic writings (Isaiah, Micah, Nahum, Zephaniah, Jeremiah). The prophetic policy, which, down to the time of Nebuchadnezzar, advocated political isolation, is clearly brought out, as well as the prophetic strenuous moral-national point of view. Numerous critical questions arise in this exposition, of which the author's solution seems to me generally correct. Isaiah xii. and xxxiii., however, cannot well be ascribed to the prophet Isaiah, or Mic. vi., vii. to the prophet Micah, and Isa. xix. fits more easily into the time of Cambyses and the Greek period than into that of Esarhaddon. Professor McCurdy thinks that in Jer. iv.-vi. the northern people mentioned is not the Scythian.

C. H. TOY.

*Buddhism, Its History and Literature.* By T. W. RHYS DAVIDS, LL.D., Ph.D., Professor of Pali and Buddhist Literature at University College, London. (New York and London, G. P. Putnam's Sons. 1896. Pp. xiii, 230.)

OF all the factors that make up human history, none is of more vital concernment than religion, the practical outgrowth, in belief and action, of man's conceptions of his relations to the world about him. If we read the signs of the times aright, there are few things less stationary, few things more under the domain of evolution than religion. And although the influences that contribute to this beneficent progress are manifold, there is perhaps none more direct and efficient than that which results from the study of other religions than our own.

Such, doubtless, are in substance the considerations which have led to what is truly a new and vigorous "movement" of investigators upon the field of ethnic religions. The results of their investigations have already been made, in part, accessible to the public through Professor Jastrow's *Handbooks of the History of Religions* and through the *Harvard Oriental Series*. To the leaders of this movement, however, not only the press, but also the rostrum, has seemed an important agency for the prosecution of their work; and accordingly a committee was organized to provide lectures in the principal Atlantic cities, upon the religions of other countries and ages by the most eminent scholars. The first fruits of this undertaking appear in the volume before us.

The author may well be called one of the most eminent authorities in this field, for his knowledge is based upon actual residence and study in Ceylon, and upon the work which he has carried on most diligently and efficiently for the last two decades as the head of the Pali Text Society. His purpose in this little book, however, is not to publish new contributions to the knowledge of the subject, but rather to give an authoritative and trustworthy presentation of what is already known, and thereby to correct the misstatements now current and the misapprehensions now rife. And this is no superfluous task; for, what with rapid transit to Bombay, American tourists in India, Kipling's stories, Stoddard's lectures, Theosophists, Mahatmas, Esoteric Buddhists and their propaganda, the Parliament of Religions, "our Annual Hindu," and our truly Athenian seeking for "some new thing," it is clear that India in general and Buddhism in particular have become a veritable fad of the day; and faddists, as we know, are much too busy to make serious inquiries into any of the multifarious subjects that interest them.

By a division which is the natural one as well as the traditional, treatises of Buddhism are usually disposed under three heads: first, the Buddha, including the legends that have grown up about the nucleus of facts concerning the life and personality of the Founder; second, the Doctrine; and third, the Order, including an account of the monastic life and the vicissitudes of Buddhism as an organization. To this arrangement Professor Davids in the main adheres; but he makes very short work with the third division; and, by way of offset, devotes the first of his six lectures to showing that Buddhism is not—as is often wrongly supposed—an abrupt and sudden break in the history of Indian thought, a kind of protestant reformation of effete Brahmanism, but rather one (perhaps the most interesting) of many phases that succeed one another in logical and traceable sequence and thus form together a chapter in the history of the evolution of religion which for instructiveness and unbroken continuity is hardly to be matched. The relation of Buddhism to the admittedly older doctrines of the Sankhya is discussed by the author; but too inconclusively, we think; and so would refer the reader to Jacobi's paper (*Göttinger Nachrichten*, 1896, p. 16), which makes the Sankhya-Yoga the philosophical basis of Buddhism.

The second lecture gives an account of the principal original sources



from which our knowledge of Buddhism is drawn or is yet to be drawn, namely, the Tripitaka or Pali Sacred Scriptures. The account is supplemented by the titles of the canonical texts and by lists showing what texts have been edited by Occidental scholars and what remain still to be edited. All this is most acceptable. The third lecture discusses what we may take for the main facts in the life of Buddha as distinguished from the highly embellished legends that we know so well from Sir Edwin Arnold's poem. It is noteworthy that in this connection Davids does not even mention—still less combat—the once famous theory that Buddha was a solar myth and no historic personality. The sixth lecture presents, in perhaps too sketchy and discursive a way, some of the later phases in the development of this missionary religion, and describes the great division into Northern and Southern Buddhism.

The fourth and fifth lectures, finally, bear the title, "The Secret of Buddhism." If we say that it will still remain a secret to many after they have read the two chapters, let no one accuse us of cheap jesting. Even Buddha himself admitted that his doctrine was a hard one and his secret not for every man. But for that very reason all the more do we wish that our eminent author had treated this part of his subject with more minute and painstaking elaboration. Yet it is no small service to have shown how wholly different must be the intellectual atmosphere in which the soul-theory of the Christians, with their "ways and means of making that little self of their own happy and comfortable forever," is looked upon as a fundamental illusion and a prime cause of misery. The important "chain of causation" is made the subject of serious treatment, in connection with which the reader should consult the still more recent paper of Senart of the French Institute in the *Mélanges Charles de Harlez*.

What we most miss is a satisfactory elucidation of the relations of Buddhism as a philosophy to Buddhism as a system of practical ethics. Perhaps even yet the time is not ripe for it. The rostrum has its own opportunities and its own limitations. It calls for a popular treatment of the subject, and so allows the introduction of a good deal of lighter matter on the one hand, and, on the other, forbids the introduction of much that would be indispensable in a technical treatise. Considering these limitations, and barring the all too numerous slips in very various matters of minor detail, the book is most cordially to be commended to all who value the fruits of a direct and wide and deep study of the sources guided by a sober-minded and intelligent sympathy.

CHARLES R. LANMAN.

*History of Christian Doctrine.* By GEORGE PARK FISHER, D. D., LL. D., Professor of Ecclesiastical History in Yale University. [International Theological Library.] (New York: Charles Scribner's Sons. 1896. Pp. xv, 583.)

THE first question that arises respecting this work is as to the appropriateness of the title. It purports to be a history of Christian doctrine,

but upon examination proves rather to be a history of Christian theology. This is evidenced by the titles given to the main divisions: Ancient Theology, Mediæval Theology, Modern Theology, as well as by the subject-matter and mode of treatment. Indeed Professor Fisher tells us in his preface (p. vii.) that "the primary aim has been to present in an objective way the course of theological thought respecting the religion of the Gospel." However, on a previous page (v.) he had told us "that the present work is a history of Doctrine as well as of Dogma," and yet it will "include a survey of the course of modern theology down to the present day" (Intro., p. 3). It would seem then that the author had a triple aim, viz. to trace the "course of theological thought," and at the same time to describe the development of doctrine, and also to mark the growth and establishment of specific dogmas.

Part I., Ancient Theology, is divided into two periods, the first of which extends to about A. D. 300, and is described as "The Rise and Early Types of Theology to the Complete System of Origen and to the Fully Established Conception of the Pre-Mundane Personal Logos." The second period is called "The Development of Patristic Theology in the East (to c. A. D. 754) and in the West (to A. D. 600.)" Part II., Mediæval Theology, is treated in a single period, which is described as "The Development of Catholic Theology in the Middle Ages, and its Reduction to a System." One-half of the entire work is devoted to Modern Theology, which is divided into two periods. The first of these is characterized as "The Principal Types of Protestant Theology," etc., and the second, "Theology as Affected by Modern Philosophy and Scientific Researches." It will thus be seen that Dr. Fisher's scheme is a comprehensive one; and the amount of material which he has brought within the compass of six hundred pages and given systematic treatment is truly astounding. In the treatment of the first two Parts (Ancient Theology and Mediæval Theology) our author does not assume to differ radically with the more recent German writers (Harnack, Loofs, et als.). His less specific aim results, however, in a less definite solution of the problem which they posed for themselves. The Harnackian theory of the transforming influence of Hellenic philosophy, pagan religion and Roman law upon the Christian doctrines, worship, morality, etc., is adopted in a general way by Dr. Fisher, though he is less positive as to the extent and perverting character of these influences. The treatment of Gnosticism is scanty, and indeed the second century is passed over rather lightly. Marcion is declared to be "the most prominent figure among the Anti-Judaic Gnostics" (p. 58), and yet we are told that he "asserted no higher place for *gnosis* above the faith of ordinary Christians" (p. 59). A somewhat similar inconsistency crops out in the effort to dispose of Hippolytus (cf. pp. 38, 82 and 102). The assumption that the so-called Apostles' Creed was not committed to writing or disclosed to the heathen during the second century, *because* of the influence of the *disciplina arcani* (p. 71), can hardly be justified. Irenæus knew nothing of the *disciplina arcani*, and



yet he would discourage the publication of the Symbol in written form. His reasons, however, are that it should be inscribed upon the "memory," upon the "heart," rather than upon "paper."

There seems to be some uncertainty in Professor Fisher's mind as to what was "the authoritative source" of Christian knowledge in the second century; compare the wavering statements on pages 70 and 72. The geographical allusions are sometimes very confusing. We are told, for instance, (p. 70) that "before Jerusalem was invested by the army of Titus there had been a flight of Jewish Christians to places on the east of the Jordan in the neighborhood of the Dead Sea." Eusebius, our best authority, tells us that they fled to Pella, which is hardly in the neighborhood of the Dead Sea. Again we are informed (p. 131) that Ephraim Syrus [who labored at Edessa in Mesopotamia] introduced Greek theological science into Syria. But surely that had been done long before Ephraim Syrus was born. On page 156 Dr. Fisher seems to say that the Armenian Church was formed as a Monophysite sect in the course of the sixth century. Obscure statements of a similar character occur not infrequently, but they are doubtless due to the necessity of compression and condensation. And this raises the question as to the value of so "general" a treatment of such a comprehensive subject as Dr. Fisher has undertaken to give us.

The brief biographical notes, for example, and the superficial description and analysis of the writings of the Church Fathers are not enough to instruct the ignorant and they are without value to the well-informed. Reference to works on patrology and to the encyclopedias would have been more satisfactory and would at the same time have saved space for the main subject in hand. Again, in attempting to describe the whole theological discussion and controversy as it has moved along from generation to generation it was impossible for our author, within the compass of this volume, duly to mark and emphasize the important and more permanent influences, ideas, theories and systems. To describe the rise and development of the ecclesiastical dogmas is a part of the task which Dr. Fisher set for himself. Yet the reader will find it difficult to separate this rubric from the general discussions and to trace the growth of the particular dogmas. In a history of doctrine it ought to be possible to follow up any one doctrine through its development, after the reader has made himself fairly familiar with the work as a whole. But this is a test which the volume before us will hardly bear. We are of the opinion that progress in the treatment of the history of doctrine lies along the line of further differentiation, rather than in reversion to the all-comprehensive method. A few errors of one kind and another have been noted, among which are the date of Athanasius' election to the bishopric of Alexandria. Cf. conflicting statements on pages 129 and 139. On page 130 we have "Emisa;" on page 174 "Croponymos;" on page 203 Theodore of Tarsus is called the *first* Archbishop of Canterbury; on page 3 *Abriss* should be *Grundriss*; a like error is made in giving the titles of Kafftan's two works on page 528. We desire to add in closing that the

reader will find in this work abundant evidence of Dr. Fisher's great skill, clear discrimination, sound judgment and vast learning.

EDWIN KNOX MITCHELL.

*The Growth of the French Nation.* By GEORGE BURTON ADAMS, Professor of History in Yale University. (Meadville, Pa.: Flood and Vincent. 1896. Pp. iv, 350.)

ALTHOUGH prepared primarily as part of the Chautauqua course of study for 1896-97, this little book deserves to reach a wider class of readers. Professor Adams informs us that his purpose has been to follow closely the line marked out by the title and include only "the more important facts which show the growth of the nation from age to age," omitting "other facts, however interesting, if they do not seem to bear upon the national growth." Emphasis is laid upon the territorial formation of France and the development of French institutions, with little attention to economic and social changes and no mention of matters like the Sicilian Vespers which occupy a large space in the ordinary histories. Very little is said of French influence on other nations; clearly it is the making of France and not France in Europe with which the volume has to do. Thus restricted, the narrative gives an excellent account of French political development, told in a simple, straightforward fashion and showing good judgment in the selection of facts and a good sense of proportion in their presentation. The disadvantages of the author's method of treatment are seen particularly in a tendency toward teleological interpretation and a disposition to sacrifice those elements in the history of each epoch which did not obviously and tangibly affect political growth. Such misstatements of fact as appear here and there seem due in most cases to the desire to save space rather than to inaccurate knowledge, but the impression they leave is none the less a misleading one. Thus it is certainly too much to maintain (p. 17) that the language and institutions of the Celts "disappeared as completely as if they had had no existence on the soil." The author should explain how (p. 320) the invasion of Spain by a French army gave rise to the Monroe doctrine. It is misleading to say (p. 159) that "French took the place of Latin as the language of official business" in the period from Louis XI. to Francis I.; royal acts in French are found as early as the reign of St. Louis and are common in the reign of Philip the Fair. The absolutism of the Merovingian kings (p. 29) should be somewhat qualified; on page 21 it is not quite clear that the great estates of Roman Gaul consisted of a number of *villæ*. The practice in the spelling of proper names is good, although exception might be taken to the appearance of the forms Bruxelles, Aoste and Thurgovie on the same map with Genoa and Geneva. The number of maps is insufficient, the reign of Francis I., 1715, and the present time being the only dates represented. There are about ninety illustrations, of which those for the mediæval period seem to have been chosen from the text-book of Bémont and Monod, unfortunately



without the accompaniment of the explanatory notes—an omission likely to confuse when (p. 20) a scene from one of the cathedral windows at Bourges is placed in the midst of the chapter on Roman Gaul. It is a pity that no Gothic church figures among the illustrations, and that French Romanesque is not represented by something finer than St. Serinin at Toulouse, which is neither typical of the usual French style nor, in our opinion, so beautiful as many of the smaller churches.

CHARLES H. HASKINS.

*Social Forces in German Literature.* A Study in the History of Civilization. By KUNO FRANCKE, Ph.D., Assistant Professor of German Literature in Harvard University. (New York: Henry Holt and Co. 1896. Pp. xiii, 577.)

To describe these titles as concessions to the timeliness of studies in social science and history as applied to literature, would be inadequate. The book sails under a double flag, but in reality a third ensign floats at the fore, inscribed "pantheistic collectivism." German literature is here interpreted neither from the historical nor the social-science point of view, as these terms are usually understood, but rather as the evolution and embodiment of a philosophical idea. The manifestations of this idea are presented with something like religious fervor, but this unusual tone in literary discussions is not repellent, at least not to the fair-minded reader. Vilmar's *History of German Literature* has wrung praises from a generation of his countrymen who were far from sharing his militant attitude in matters literary. Francke's attitude is not for a moment to be compared with Vilmar's, but like his predecessor he has a burden, and like him he possesses insight and knowledge of his subject. His very fervor makes him tell his story well. Indeed, the chapter on "Pantheism and Socialism," in which the central idea receives its fullest exposition, is, for discriminating research, just presentation of the literary outcome of his subject, and a certain sympathetic hurry and rush of style, perhaps the best written portion of the book. And even here, the author's grasp of the inter-relations of history, philosophical thought and literature, and his sound applications to questions of national and private duty, rescue his speculative thesis in a good measure from such a judgment as Goethe passed upon Herder's *Älteste Urkunde*, as a "mystisch weitstrahl-sinniges Ganze."

From this central height the literary landscape slopes off in both directions, in a series of animated sketches or fuller executed pictures. But they are all carefully disposed for effect, and, in the later portions of the work, are dotted everywhere with little philosophical edifices, like chapels, which invite the wanderer to enter and meditate on the "self-unfolding of the infinite." In the epilogue the final practical outcome appears in a frankly socialistic forecast of the future of the German nation, while already in the first chapters the phenomena of early German

history and life are vigorously marshalled, to the rallying cries of "individualism and collectivism."

In the first third of the book (from the beginnings to the middle of the seventeenth century) the story of German literature is freshly and dramatically told. Everywhere the author's eye singles out the modern, the interesting, the universally human, in the ancient. Where the treatment is somewhat sketchy, as in the case of Minnesong, the reader will find his account in new fields of research, not previously treated with this fulness in shorter literary histories: cf. the German mystics of the fourteenth century. As an excellent example of the historical framework in which the author is accustomed to set his literary discussions, the chapter on the Rise of the Middle Classes may be mentioned; as a bit of character painting, Gudrun (pp. 82-84).

The treatment of the modern period satisfies, in the main, in an increasing measure, but it also invites dissent. When German literature ebbs, at the beginning of the seventeenth century, our author promptly fixes the responsibility for this state of things, but his perception of poetry as an organic growth, and his study of the manifold social forces at work in the slow upward levelling, are entirely inadequate. "The sad figure of German poetry herself, bereft of her mind by the insults and persecutions heaped upon her," arouses his ire against "that most despicable of all the petty tyrants of the time, Augustus the Strong," and against—Opitz' theory of poetry. This is fighting windmills. Opitz' theory was based on the French and Dutch theories. His fault lay not here, but in writing bad poetry; and Germany's misfortune was, that few better poets immediately appeared. Germany, up to the seventeenth century, had not yet developed a distinct literary style, the old popular style serving all ranks of the nation as the universal medium of expression. England, with her Jacobean style, could make the change to pseudo-classicism, without literary convulsions or a period of partial inanition. Germany tried to become dignified and genteel and witty and pointed, in literature, all at once. Our author pays little attention to the national side of this, and as little to the international, the workings from without. The immediate result in Germany was pathological, but of profound interest in its bearings on the future. The Italian, French and English influence, that is to say, the larger group of social forces, vies in importance with the work of the bourgeois poets within. This comparative element of literary sociology is too often lacking in Francke's system, as it was in that of his favorite philosopher Fichte.

With the eighteenth century the author's theory of pantheistic collectivism enters upon far-reaching applications. The isolated individual is proscribed; each shall sacrifice his existence to the existence of the whole. Adopting Hegel's dogma, that individuals are nothing but organs of the idea of humanity, and that the only measure of their greatness is to be found in their fitness to embody this ideal, Francke succeeds well in the application to authors of the second rank; the parts fit into his system. But the same method applied to genius does not meet



with the same success. The result is more than once a mere atomizing process. This is especially the case with Goethe, in his early period. The assertion is made that the so-called "Urfaust" and "the first conception of Faust" are identical, and that this first conception is of far less significance than Lessing's. "How limited, how fragmentary, does this conception appear compared with the grand outline and the wide perspective of Lessing's Faust idea!" But it is now well known that the "Urfaust," which was never intended by the author for publication, does not contain the whole exposition of the plan as it had matured in Goethe's mind up to 1775. Nothing could be more hazardous than the attempt to limit that conception off-hand. Lessing's shadowy Faust fragments are then strangely styled by Francke a *work*, and their disappearance a national loss of the first magnitude. Erich Schmidt, whom Francke cites, speaks of sketches and fragments, and thinks Lessing may have destroyed them himself. Von Blankenburg is not to be taken too seriously; his ill-concealed suspicions of foul play on the part of the writers of the "other Fausts" are not calculated to recommend his other observations. But even imposing upon Goethe's "Urfaust" the responsibilities of the completed drama, our author's whole discussion fails to appreciate the nature of what Goethe in 1773 called "characteristic art." Goethe triumphantly maintains that such art is universal, and we know that he was then at work on Faust. One recalls just here Ben Jonson's proud distinction between his own *works* and Shakespeare's *plays*. He appears to have a premonition of our author's theory, which would be a decided gainer by this new and striking parallel, if Shakespeare were not—Shakespeare.

If we inquire why this depreciation of Goethe's early compositions is indulged in, why Götz von Berlichingen is called a "youthful effusion," and Faust "a reckless Sturm und Drang individualist," Francke's philosophical thesis furnishes a ready answer. "All of Goethe's and Schiller's greatest productions lead out of narrow, isolated, fragmentary conceptions of life into the broad daylight of universal humanity." Instead of these universal propositions, could our author not be persuaded to accept particular affirmatives, and to leave the Apollo-Goethe of twenty-five his daylight? Goethe himself did not succeed, in "Dichtung und Wahrheit," in disintegrating himself. The macrocosmic autobiographer was obliged to accept, and do deference to, his own early microcosmic personality. It has been justly said that Goethe was a law-giver to philosophy. The theories of the German idealistic philosophers will not suffer seriously, if Goethe is seen to be, in a certain sense, their ally rather than their servant. It is futile to attempt to shape him into a rung in the Hegelian ladder, up which the nation is to climb into the paradise of universal humanity. When Germany reaches that goal it will meet there, not only Goethe the sage, but also the Promethean youth who sang: "Hier sitz' ich, forme Menschen nach meinem Bilde, ein Geschlecht das mir gleich sei."

Both the period immediately preceding Goethe and Schiller and the

post-classical literature are presented in a series of well-written character sketches, abounding in just and discriminating literary criticism. The chapter on Lessing is among the more profound, that on Klopstock the most artistic. In the later period, Heinrich von Kleist, Uhland and Heine have also received excellent monographic treatment. Where the author's philosophical thesis is kept within bounds, the added interest of an ideal connection between successive authors and periods makes each part the gainer.

His social theory is more frequently a disturbing element. Some obnoxious governmental interference or villainous constitution of society is always to blame, where talent fails. We learn, with monotonous iteration, what a different Fischart, Gryphius, Jean Paul, Immermann, etc., the world would have seen, if the times had answered to our author's ideal. This is quite too paternal a treatment of great men. It recalls the point of view of Thomas Hughes, in his *Life of Alfred the Great*, that Alfred, had he lived in the present century, would have been a good English Liberal.

But if our author has carried his theories too far, this is no gauge for the work as a whole. From beginning to end, a high and remarkably even quality is maintained, in conception and presentation. The book will be welcomed by scholars and general readers alike, and the eloquent and forcible style will be a still further recommendation. In the instances where the wording or phrasing varies noticeably from received English usage, there is nearly always a gain in color and picturesqueness, with no loss of dignity.

HENRY WOOD.

*Venerabilis Baedae Historiam Ecclesiasticam Gentis Anglorum, Historiam Abbatum, Epistolam ad Ecgbertum, una cum Historia Abbatum auctore anonymo*, etc., recognovit CAROLUS PLUMMER, M. A. (Oxford: Clarendon Press. 1896. Two vols., pp. clxxviii, 458; xxxvii, 405.)

THERE are perhaps few harder tasks from one point of view, few easier from another, than the review of an edition of the work or works of a "standard" author like Bede. For in the main there are no striking positions assumed and maintained to be elucidated or attacked by the reviewer as in a history or an essay, no characters to be attacked or defended. One has not even the opportunity of writing a critical essay on the life, character, work or times of the author, in this case at least. For the place of Bede has so long been fixed, he and his work have been so thoroughly and variously discussed, that it would be worse than useless to attempt any new résumé of these, even had not Mr. Plummer in his admirable introduction made it doubly a work of supererogation. Practically, in such a case as that of this exhaustive edition, one can do little more than enumerate what the editor has done and pronounce some judgment on the manner in which he has accomplished his task.



It has now been some years since Mr. Plummer, in his edition of *Two Saxon Chronicles*, promised an edition of Bede's *Ecclesiastical History*. That which he has just issued is a worthy fulfillment of that promise. It is one of the most noteworthy editions of the year, and by far the most valuable and important edition of the *Historia Ecclesiastica* yet issued. It will come near to being the last word on the subject, for we cannot hope now that very much new illustrative matter will come to light. There have been few or no mediæval books more widely copied in time and space than Bede's history. To say nothing of the 113 copies enumerated by Hardy, one notes, among the various mediæval monastic library catalogues published from time to time, scarcely one which has not at least one copy of this great work. And from the first edition of Strassburg, 1473, to the present there have been at least twenty-five printed editions issued. Yet this one, as Mr. Plummer says, is the first since the monumental edition of Smith in 1722 that has any right to be called critical. The more recent editions, those of Stevenson, Giles, Mayor and Lumby, Moberly, the M. H. B., and even Holder's, have practically followed Smith as to text with little or no MS. collation, besides leaving much to be desired as to notes. The present edition is to be praised in both respects with little qualification. Mr. Plummer has collated the various principal MSS. with painstaking fidelity and given us at last a text which may be relied on. He has moreover taken the pains to print Bede's borrowings from other authors in italics, a practice which, though not new, save as applied to Bede, is a most valuable feature. Incidentally we are given, too, among the variant readings of the different MSS., a most valuable collection of various spellings of Anglo-Saxon names. One may express a passing regret that it has not been possible to trace the obviously borrowed first chapter descriptive of Britain and Ireland completely to its sources; and the originals of certain legends like that of St. Alban persist in not turning up.

The notes which, with the admirable and elaborate chronological tables, index and appendices, fill the second volume are no less to be commended. In particular the illustrations and elucidations from the other writings of Bede, for which Mr. Plummer has read through all his author's monumental treatises, prove his work to be a labor of love as well as of learning. Not the least valuable of the notes are the very numerous ones pertaining to Celtic sources of information, unique and invaluable for illustrating Bede's work. One may perhaps be permitted to note especially among others the remarks on Caedmon, on the pallium, on the combination of Christian and heathen practices and on idolatry.

Mr. Plummer, reluctantly enough, seems forced to give up another legend, that of St. Patrick, who was perhaps after all formed from *patricius* as St. Amphibalus was from St. Alban's cloak. He hesitates over Ewald's view as to Gregory I.'s letters in Bede being copied in England and not in Rome, but hardly comes to Mommsen's denial of this. Though he does not formally adopt he countenances the reading *editis* in his text to make sense of a passage in the famous Hallelujah-victory incident in St.

Germanus's life, which as it stands makes the valley of that victory, "surrounded by mountains in the middle," impossible physical geography.

The introduction, especially the parts referring to Bede's life and works, leaves little to be desired, illuminated as the scanty materials for his life are, by side-lights from other sources. Accurate as to text, encyclopædic as to notes, fully and carefully indexed, with marginal summaries, judicious use of various styles of type, chronological and other tables, one can recommend this as a model of what an edition should be and can wish it the fate of the original Bede, which because of its excellence so far displaced previous works of the kind that they fell into disuse and came gradually to be destroyed.

WILBUR C. ABBOTT.

*A Preliminary Treatise on Evidence at the Common Law.* Part I. Development of Trial by Jury. By JAMES BRADLEY THAYER, Weld Professor of Law at Harvard University. (Boston : Little, Brown and Co. 1896. Pp. x., 196.)

THIS little book is one of the most valuable contributions to English constitutional and legal history published in this country. It is doubly interesting and instructive, coming, as it does, from the pen of a true historical scholar as well as a master of modern law. The book has been eagerly awaited ever since portions were published in the *Harvard Law Review* some five or six years ago, and now that it has finally appeared it fully meets all expectations. On every page is given evidence of thorough acquaintance with the sources and of ability to make the right use of them.

The subject of the jury is of great importance and of far-reaching connections. In the volume before us it is treated with reference mainly to its bearing on the law of evidence. The English common-law system of evidence is radically peculiar, and its "law of evidence" is due to the institution of the jury, which England alone has used continuously and, in a strange fashion, has developed.

In the first chapter the earlier modes of trial are described and a very satisfactory explanation is given of the *secta* or suit, a relic of which is still found in modern legal phraseology.

The origin of the jury has been ascribed to the Romans, to the Celts, to Alfred the Great, and even to the Crusaders, but Professor Thayer agrees with Brunner and Stubbs and the later authorities in ascribing its introduction into England to William the Conqueror, from Normandy, where it had continued since its use by Charles the Great in the form of inquisitions in civil and in fiscal matters.

During the Norman period in England it was used by the kings in securing testimony regarding laws, customs, possessions, etc., and in eliciting evidence in connection with civil suits, but the real beginning



of its formal and systematic use is in the reign of Henry II. Up to his time its occasional use had been by royal favor; he established it as a matter of right in certain civil cases and extended its application. In the documents of his reign it appears in a two-fold form: as an inquest, assize or trial jury, and as a presentment or indictment jury. In either form it has been well defined as a "body of impartial witnesses, summoned by royal writ or authority and sworn" (hence the name, *juratores*, jurors) "before officers of the king, to declare the facts in the case or to indict persons guilty of crime." This shows the jurors in their original character as witnesses, distinguishes them from the compurgators and party witnesses of the early forms of trial, and serves to mark the contrast between the jury and the ordeal and duel. It is also worthy of note that the jury, which is regarded as the palladium of popular rights and liberty, was at first confined exclusively to the king's courts and not allowed except by royal authority.

At this point three problems arise, to the consideration of which the remaining chapters are devoted: first, to account for the substitution of the jury for other modes of trial in criminal cases; secondly, to explain the evolution of the modern juror from the early witness; and thirdly, to trace the gradual control and regulation of the testimony given.

Henry had established and extended the use of the jury in civil cases, but its application to criminal cases was not so simple. By the older law men had tried their own cases; hence "to put upon a man who had the right to go to the proof—where he produced the persons or things that cleared him—the necessity of submitting himself to the test of what a set of strangers might say, witnesses selected by a public officer—this was a wonderful thing." Certain events prepared the way. The assize of Clarendon in 1166 abolished compurgation as a mode of trial in ordinary criminal cases in the king's courts, and the Lateran Council in 1215 condemned the ordeal, a decision soon accepted in England. This left a gap ready to be filled by the new method. Inasmuch, however, as it could be used only by consent of the accused, the custom arose of compulsion by *peine forte et dure*, of which we have the first instance in 1275 and which continued until 1772.

The number of jurors varied from nine to forty, nor was unanimity required at first. Even after the number became fixed at twelve it was only in the latter part of the fourteenth century that the principle was established that in all inquests the twelve must agree in order to a good verdict. At first the jurors were witnesses, being chosen as the best informed on the matter. This implied that they were to inform themselves, and as late as 1427 the parties asked to be furnished with a list of the jurors so as to inform them. Sometimes members of the jury informed each other. Indeed, what we call a special jury seems always to have been customary, particularly in disputes over deeds, where the original jury and the witnesses of the deed were combined. In the second half of the fourteenth century a sharper distinction began to be made and the verdict proceeded from two sources, the jurors' own knowledge and the knowl-

edge derived from witnesses in open court. The jurors are thus both givers and weighers of evidence. Not until the latter half of the fifteenth century were the two classes separated and the principle established that jurors are not to be prejudiced by previous knowledge of facts. Thus from being primarily givers of evidence, they came to be only weighers of evidence.

Lastly, in regard to the nature of this evidence. At the first all kinds of evidence might be given; all through the period when the jury proceeded on their own knowledge they listened to perfectly unsupported narration of fact from counsel not under oath. There was no sifting of evidence nor cross-examination. No control was attempted until the last half of the fourteenth century, and even in the sixteenth and seventeenth centuries juries were allowed to act on their own private knowledge and on documents not known to the court or to the parties. A new trial seemed the only effective way of correcting errors.

It is hoped that this brief outline will show the importance and interest of the subject and turn the attention of many to its scholarly treatment in this little volume.

CHARLES L. WELLS.

*Les Gildes Marchandes dans les Pays-Bas au Moyen Age.* Par HERMAN VANDER LINDEN. [Recueil de Travaux publiés par la Faculté de Philosophie et Lettres de l'Université de Gand, 15<sup>e</sup> Fascicule]. (Gand, 1896. Pp. viii, 126.)

THOUGH much has been written in recent years on the functions of the gild merchant and its influence upon municipal development by Hegel, Doren, Von Below and others, every special investigation of the subject as regards some particular country or region is welcome. Historians still maintain divergent views concerning the relations of the gild merchant to the craft fraternities and concerning its influence upon the origin of the municipal constitution. The questions at issue cannot be definitely settled until we have more data, more documentary material like that which we find in Professor Vander Linden's scholarly monograph.

He believes that this gild originated spontaneously, that it did not emanate from any earlier institution. In the eleventh century there was an expansion of trade and industry; the number of merchants increased, and they felt the need of organization to protect their common interests. There are two periods in the history of the gild merchant in the Netherlands. In the first period, from the eleventh to the thirteenth century, this gild was a private association, having no public functions; it was open to all merchants, and even artisans were admitted to membership; in fact, during the twelfth century, it was considered desirable to secure as many members as possible. In the second period, which begins in the thirteenth century, the gild merchant had the monopoly of the principal branch or branches of commerce in the town, and became a public



body, forming an integral part of the town government (*un corps politique, une rouage de l'administration urbaine*); it thus lost its old autonomy, and was made subordinate to the authority of the municipal magistrates. At the same time, it became more exclusive as regards its membership, and exercised a rigid supervision over the organization of labor and over the crafts connected with the chief industry of the town, especially the cloth trade, for in most places the gild merchant comprised the cloth merchants. The craftsmen and small tradesmen were gradually excluded from membership; but in some towns, after the latter part of the thirteenth century, the democratic movement enabled the crafts to assert their rights and to throw off or diminish the irksome control of the gild merchant. In the fourteenth century the latter tended to disappear or to merge its identity in the town government, as was the case in England; thus, in many places, its functions were absorbed by the municipal council.

Professor Vander Linden seems to distinguish too sharply the two periods in the history of the gild. The mention of this institution in charters granted to Rouen and St. Omer, in the first half of the twelfth century, and to Dordrecht in 1201, indicates that the gild merchant was a "*rouage*" or integral part of the town administration in the first period of development. Probably the dearth of documentary material for the twelfth century makes the gild appear to play a less conspicuous rôle than in the thirteenth century. Another vulnerable point in Professor Vander Linden's excellent book is his account of the origin of the Hanse of London in Chapter II. We know very little concerning this commercial league, and Professor Vander Linden's contribution to our knowledge of the subject is welcome, but his theory that the Hanse of London was a mere expansion of the gild of Bruges is not supported by sufficiently convincing arguments.

The last chapter of the book contains a good account of the political rôle of the gild merchant. Our author shows that the municipal constitution in the Netherlands did not emanate from the gild: "*nulle part la gilde n'a fourni la cadre de la constitution urbaine.*" Though the gild became a public organ of government and exerted great influence in the administration of the municipality, it remained under the control of the town council. Though the municipal magistrates were usually members of the gild and sought to promote its interests, gild officers and town officers, gildsmen and burgesses, *guldenrecht* and *stadrecht* were at the outset, and continued to be, distinct conceptions.

CHARLES GROSS.

*Armada Española desde la Unión de los Reinos de Castilla y de León.*

By CESAREO FERNANDEZ DURO. Vol. I. (Madrid: "Sucesores de Rivadeneyra." 1895. Pp. 476.)

CAPTAIN DURO needs no introduction to students of naval history. The claim which he makes for the present work, the first volume of

which is now before us, is extremely modest. He calls it an endeavor to put into convenient form the widely scattered materials at his command and thus produce if not a "history of the navy fulfilling all the conditions required by modern criticism," yet a work which may serve as a basis for such a history and a starting point for the investigation of special periods.

This first volume covers the period from 1476 to 1559, or roughly speaking the first half of the epoch in which Spain took the foremost rank among the nations. Captain Duro describes the part played by the navy in that wonderful campaign of the Great Captain which resulted in the conquest of Naples, and tells us of Cardinal Ximenes' successful expedition against Oran, which gave the Spaniards temporarily a very strong position in North Africa. Yet the ambition of Spanish sailors was not confined to the narrow limits of Mediterranean. Hardy explorers and dauntless conquerors were penetrating those mysterious regions of the west which imagination filled with unheard-of beauty and incredible wealth. Captain Duro begins the story with that great historic moment when Columbus arrived in Spain after his first voyage and announced to thunderstruck Europe that he had kept his wild promise and discovered a New World beyond the seas. The author tells us of Ponce de Leon, Magellan, Cortes, Pizarro and the rest, names which kindle the imagination in childhood and lend the serious study of Spanish history an exceptional charm. Of Columbus, Duro says that as a mariner he had no superior, perhaps no equal in his time, possessing, as he did, not only perfect practical skill and those instinctive gifts which are independent of experience, but also a fund of scientific and theoretical knowledge which his own observation greatly enriched, though not so greatly as has been thought by some, for the glory of Columbus cannot be increased by attributing to him discoveries that he never made.

The reign of Charles V. was an important epoch in the development of naval warfare, as well as a period of further conquest and exploration beyond the seas. In the wars against the French in Italy Andrea Doria, the great Genoese admiral, changed sides in favor of Charles and thus takes a prominent place in the annals of the Spanish navy. In an interval of this interminable struggle with France, the emperor undertook a great expedition to North Africa. With a fleet of 400 vessels he sailed in person against Tunis, put the terrible Barbarossa to flight and took the place by storm. But it was not long before the sea-power of the Turks and Algerians under the dreaded pirate admiral became so threatening that the emperor decided upon a fresh expedition to Africa. He set out for Algiers with a huge fleet of 500 vessels, commanded by the veteran Andrea Doria. Off Algiers a terrible storm burst, in which about 150 of the emperor's ships went to pieces on the wild shore. The subsequent attack on Algiers was repulsed with heavy losses and the army re-embarked for Spain. The prestige of the Spaniards in North Africa was destroyed and their possessions soon dwindled to a few coast stations.

The concluding chapter Duro devotes to a general consideration of the navy of the Emperor Charles. The wonderful maritime activity of

his reign could not fail to produce important changes in naval architecture and tactics. Yet Charles V. did not possess, in the strict sense of the words, a royal navy. In his time all ships were armed. He hired such as he needed for his wars and simply reinforced them with fighting men. According to Captain Duro, however, his navy, if such it may be called, was surpassed by that of no Christian nation and his sailors were inspired by the ambition to make it the first in the world. "Nobody can doubt," wrote the Marquis of Mondejar in 1538, "that in order to defend his states and all Christendom, and also to suppress the infidels, it is his Majesty's duty to become ruler of the sea."

W. F. TILTON.

*Queen Elizabeth.* By MANDELL CREIGHTON, D. D., Bishop of Peterborough. (London and Paris: Boussod, Valadon and Co. 1896. Pp. ii, 199.)

DR. CREIGHTON'S *Elizabeth* is first of all a sumptuous volume of historical portraits from various royal and private collections reproduced with a tastefulness and skill that do infinite credit to the publishers. The narrative is, as the author himself tells us, secondary to the illustrations. Since the avowed chief object of the volume lies in the "attempt to bring together the most remarkable portraits of Elizabeth and her contemporaries" we may excuse the total lack of notes indicating the sources of the narrative. But there is certainly no excuse for the omission (with one exception) of all indications regarding painters and dates of the original pictures, which should have been given, if not under each illustration, at least in the list at the end of the volume. This is a need which must be felt alike by the student of history and the lover of art. It is not enough to be told by the author that the publishers "have spared no pains to bring together the most authentic and least accessible materials."

The present *édition de luxe* is soon to be followed by a cheaper edition which will put the book within reach of persons of average means. It is to be hoped that the occasional mistakes in spelling, due doubtless to the fact that the text has been printed in France, will disappear from the second issue. It is difficult, for instance, to recognize in "cavious" the "curious" intended by the author.

Since the Bishop of Peterborough<sup>1</sup> describes the object of his narrative as biographical rather than historical in the broader sense, the reader must not expect a full treatment of the age of Philip II. and the Counter-reformation, of that vast European struggle between Protestantism and the renewed Catholic Church which humbled Spain, rent France asunder, raised little Holland to a proud eminence among the nations and left England mistress of the seas and the acknowledged head of Protestant Europe. Yet Elizabeth's life was indissolubly connected with these great

<sup>1</sup> Now of London.

things, and as the author deals in turn with the crises of the reign he forces this fact irresistibly upon our attention. Dr. Creighton's style is lively, yet dignified. The diction is such as eminently benefits a great historical subject.

If the tragic experiences of her early years explain to a great extent the qualities which make Elizabeth's character such an enigma, Dr. Creighton ascribes also great influence to heredity, tracing with striking insight her caution and prudence to Henry VII., her royal imperiousness and personal charm to her father, and to Anne Boleyn her vanity, coarseness, unscrupulousness and relentless, overbearing temper. Elizabeth always remained, he says, more truly the daughter of Anne Boleyn than of Henry VIII. The greatest crisis in Elizabeth's life Dr. Creighton sees in the terrible ordeal through which she went when under examination for her relations with the Lord Admiral Seymour. "The strain to which she was then subjected," he says, "did more than anything else to form her character." Emerging from this difficulty, she devoted herself to her studies, in which she made rapid progress. Detected as a shameless coquette and found lacking in that intuitive modesty which would have enabled her to resist the grossness of Seymour's wooing, she was now wise enough to play the part of a pure and modest maiden. She became the idol of the Protestant party and could, as the daughter of Anne Boleyn, scarcely help feeling that she embodied in herself the principles of a mighty revolution.

The historian could render no greater service to the period of Elizabeth than by tracing on the ground of laborious research the gradual progress of the English people from Romanism to Protestantism. It is plainly not enough to assert in the off-hand manner of some historians that the cannon of Sir Francis Drake settled once for all the question of England's creed. The problem is one of conspicuous, perhaps insuperable difficulty, and it was obviously impossible to deal with it exhaustively in an essay like Dr. Creighton's. Still it was natural to expect some new light on the subject from the author of the *History of the Papacy*, and the student will not be wholly disappointed. For, though Dr. Creighton gives no authority for his statements, we find here and there brilliant discussions of the religious question which cannot fail to stimulate the investigator and guide him on his weary way. At the very outset the author invites controversy by his statement (p. 15) that the great majority of the English people was Protestant even before Elizabeth's accession. One cannot suppress the wish that he had given some hint of his reasons for this opinion. He ascribes to the Queen a definite ecclesiastical policy and remarks that the system which she founded has not changed from that day to this. The English people as a whole (and again one wishes for proofs) welcomed the religious settlement, for there were few staunch Romanists or fanatical Protestants. Nevertheless, two parties formed themselves outside the church, Romanists, who tried to unite Catholic Europe in destroying the heretic queen, and on the other hand, those who wished to mould the English Church into the Calvinistic



form. Both these parties, says Dr. Creighton, were dangerous to the national welfare. Yet it was the fiery, uncompromising spirit of Calvin which was fighting the battle of Protestantism on the Continent, and it may well be asked whether England was not strengthened for the great struggle against the Counter-reformation by an infusion of this same restless spirit. In regard to Elizabeth's persecution of the Catholics, Dr. Creighton is highly apologetic and does not sufficiently emphasize its real severity. And finally he flatly denies that Elizabeth was destitute of true religious feeling. "Perhaps in nothing," he concludes, "was Elizabeth's foresight more conspicuous than in her ecclesiastical policy."

Less interesting, but by no means unimportant is that long comedy of negotiations for Elizabeth's marriage which did not end till the death of Alençon. Dr. Creighton thinks her policy in these matters was already formed at her accession. She was, he says, always ready to contemplate matrimony, but any particular alliance must be proved to be for the nation's good. He credits her with great foresight in refusing the hand of Philip II., and thinks she came to the deliberate conclusion that he would be compelled reluctantly to stand by her for fear of France. A chapter is devoted to the perplexing and sometimes revolting story of Elizabeth's fickleness and double-dealing in the negotiations for marriage with Alençon. After all, writes Dr. Creighton, this episode is "only the policy of Elizabeth writ large in a particular instance."

Dr. Creighton's solution of the problem of Amy Robsart is favorable to Dudley, whom he acquits of all complicity in the tragedy. The most probable conclusion is, he thinks, that Amy Robsart's forlorn condition so preyed upon her mind that finally in a fit of desperation she flung herself down the winding staircase. So Dudley was free, but the great political dangers on every side showed Elizabeth that she must think not of personal gratification, but of self-preservation. She seems to have recognized that marriage with Dudley was impossible and that any marriage would have weakened her position. The sad experience of her sister had demonstrated the danger of risking all in the hope of an heir, and either a husband or a recognized successor would have dwarfed her own importance. "Her strength," observes the Bishop of Peterborough, "lay in the uncertainty about the future, which bound all her followers to a personal loyalty of unswerving devotion."

As the present work is intended to be a companion volume to Skelton's *Mary Stuart*, it is natural that Dr. Creighton should enter into controversy with that able apologist upon those alluring problems of the Scottish queen's strange career that can never be satisfactorily settled. It is enough for him to show how the marriage with Bothwell and the ensuing catastrophe wrecked Elizabeth's plan of keeping Mary on the Scottish throne, weak, discredited and dependent upon the Queen of England, and how a little later, when Mary was a fugitive and a prisoner in England, Elizabeth's intention was, slightly to justify the Lords and slightly to inculcate Mary in order to make a genial compromise which would require her constant intervention. For a judicial inquiry into

Darnley's murder was impossible in itself. No impartial tribunal could be constructed to try the case.

The presence of Mary Stuart in England became an encouragement to that great conspiracy of Catholic Europe against England which culminated in the Armada. Its first great outbreak into open hostility was the rebellion of the North. The utter collapse of this attempt may be regarded as a proof that Elizabeth was at length firmly seated on the throne. "It was hopeless to overthrow her by a rebellion. For that purpose assassination or foreign invasion could alone avail." If the rising of the North was an outburst of dissatisfaction at home, the Rodolfi plot was "a deep-laid scheme for bringing to bear on England all the resources of the old religion." Its failure proved that inherent weakness in the combination which was always to reappear, until finally Philip the Second's desire was fulfilled and he was left alone to execute against heretic England the decree of divine wrath.

A few years after Mary Stuart's flight to England, Elizabeth was brought face to face with an opportunity to play a great part in Continental affairs. It was the time of Coligny's ascendancy, and it looked for a moment as if Catholics and Huguenots, Frenchmen and Englishmen might unite in humbling Spain. "It was," says the Bishop of Peterborough, "and must always remain a problem, what would have been the result on European history if Elizabeth had been capable of a bold policy; and at no time is the question more interesting than just at this period of her reign." The refusal of the sovereignty over the Netherlands is a similar illustration of her policy. Eager for small gains, she refused great opportunities. She pursued no great ideals. She wished to foster England's growth, not to imperil it by rash adventure. "She was no Amazon, but a careful housewife."

The narration now marches rapidly. We come to the execution of Mary Stuart. Elizabeth's biographer calls her action at this crisis "only an exhibition on a conspicuous scale of her habitual conduct" and does not spare strong words of censure for her miserable injustice towards Davidson.

The Armada is dismissed in very few words. Dr. Creighton thinks that England feared the Spanish fleet less than the possible landing of Parma. This view seems somewhat exaggerated, and it may well be questioned whether England was more concerned in military preparation than in the equipment of the fleet. The author defends Elizabeth from the charge of criminal parsimony at this juncture. She was, he maintains, not personally responsible. The demand that Howard and Hawkins should produce their accounts for audit marks a beginning of greater efficiency in administration and a higher standard of honor in dealing with the public money.

Dr. Creighton has given us a brilliant and delightful essay rather than a work of historical research. Though the utter lack of references, which would have been doubtless thought out of place in a production so exclusively artistic, makes it difficult to criticise particular statements,



the author's well-deserved reputation for sound learning lends those statements great weight, while the reflection and theories which he bases on established facts can be judged on their own merits and will be found deeply thoughtful and stimulating if not always convincing. Industry and learning can place the palpable events, the main facts of the period before us. It remains for the trained judgment and severely controlled imagination of the individual historian to interpret those facts and construct the personality. Nothing is more evident than that scholars of equal authority may differ as the poles; not in the importance which all must attribute to the reign of Elizabeth, but in the greatness of the part they ascribe to the queen herself in shaping England's destiny. One school of historians may emphasize the inevitable rise to greatness of a race with the characteristics and environment of the English, another may lay greatest stress upon the sagacity and tireless energy of Burghley, a third, and to this class Dr. Creighton belongs, is inclined to regard Elizabeth as wiser than her ministers and as the true teacher and leader of her people. "She saw what England might become and nursed it into the knowledge of its power." To Walsingham alone he gives the credit of having ever succeeded in forcing Elizabeth to act with decision. But no one element and no one personality can create the greatness of a nation:

W. F. TILTON.

*Puritanism in the Old World and in the New*, from its Inception in the Reign of Elizabeth to the Establishment of the Puritan Theocracy in New England. A Historical Handbook. By the Rev. J. GREGORY, Edinburgh. (New York, Chicago and Toronto: Fleming H. Revell Company. 1896. Pp. x, 406.)

UNDER this title a prominent Scotch Congregationalist has gathered the gleanings of extensive reading in the modern literature of Puritanism, and of occasional, though much less full, examination of its sources. The author disclaims all intention of writing a "history of English Puritanism," preferring the "form of a handbook" to the more ambitious attempt. The work thus described is interesting and readable, bearing evidence of much painstaking industry in assembling material and in collecting the opinions of many writers who have treated the Puritans from the most diverse points of view. Various aspects of Puritanism and of leading Puritan character are discussed in short paragraphs, the whole being arranged in general chronologic sequence and tracing the outline of the movement from its beginnings to about the time of the union of the four Congregational colonies of New England. No cause could wish for a more fervent or admiring champion. Yet the impression of the work is in large degree disappointing. The limitations of the author's method produce a feeling not so much of condensation as of fragmentariness. Though the parental relationship of Puritanism to free institu-

tions and to modern democracy is vigorously asserted, the reader feels that the general connection of the Puritan movement with its political and social environment is but partially indicated, and that Mr. Gregory might well have followed the story of English Puritanism further than the reign of Elizabeth without transgressing the bounds which he has set for himself in the title of his volume. The evident and cheerfully acknowledged bias of the author has occasionally led him into assertions of a high degree of rashness, as, for example, the declaration that the Reformers "certainly succeeded in setting up a Church as different from and as diametrically opposed to the Church which it supplanted as Christianity is opposed to Hindooism." There are also a considerable number of errors, of no great importance when taken singly, perhaps, but making in the aggregate a disfigurement to the handbook; the numbering of Cotton Mather among those prominent in New England circles of 1648 is an illustration.

W. W.

*Napoléon et Alexandre I<sup>er</sup>. L'Alliance Russe sous le premier Empire.*

Par ALBERT VANDAL. Tome III. La Rupture. (Paris: Plon, Nourrit et Cie. 1896. Pp. 607.)

COUNT VANDAL'S belief in the wisdom and stability of the present alliance between France and Russia gives point to his criticisms of the Tilsit agreement as he writes the story of its failure. His first volumes described the relations of Alexander and Napoleon from their meeting on the raft in the Niemen until the end of 1810. This, the third, volume explains the steps by which both emperors abandoned an impossible position and prepared for the inevitable struggle. The last incident related in it is Napoleon's interview at Wilna, July 1, 1812, with Balachof, Alexander's emissary, some days after the Grand Army had crossed the Niemen and after the Russians had begun their strategic retreat. The struggle was inevitable, acutely remarks Count Vandal, because the rights which Napoleon could justly claim, in accordance with the treaty, had been created "à coups d'épée" and were for the conquered Russians "une conséquence de la défaite, une forme de la contrainte, et la contrainte ne maintient ses effets qu'à condition d'agir et de renouveler ses prises." "Il y a," he adds, "conflit insoluble entre le droit napoléonien et le droit naturel des États à s'orienter suivant leurs intérêts momentanés ou leurs inclinations, et le premier, fondé uniquement sur la victoire, portant en lui ce vice irrémissible, ne peut se soutenir que par la permanence et la continuité de la victoire."

Actual fighting did not begin for more than a year after the last sincere efforts to reach a good understanding had failed. Napoleon wished first not merely to organize the Grand Army, but also to move it across Germany so that he might strike the Russians within their own frontiers. This was exactly what Alexander wanted and was determined to wait for,



as soon as he became convinced that his best allies were the Russian climate and the vast spaces of the interior. Moreover, he needed time to push his operations against the Turks to a favorable conclusion. Meanwhile each emperor conducted a series of diplomatic manoeuvres which for duplicity are unrivalled in the annals of "backstairs" intrigue. One negotiator, Count Loewenhielm, who arranged with Alexander the transfer of Norway to Sweden as the price of Bernadotte's defection from Napoleon, naïvely described the diplomacy of the period, when, referring to the scruples the Czar must be supposed to feel against taking a hand in such an act of spoliation, he wrote from St. Petersburg, March 3, 1812: "Quelque peu que les principes de la justice soient en général admis dans les stipulations des puissances, les souverains ont toujours cherché à en colorer leurs vues, et il n'y a que l'empereur des Français dont la bonne foi plus audacieuse se soit mise au-dessus de cet usage."

With less skillful telling the story of this prolonged diplomatic fencing might become hopelessly intricate and puzzling, not to say tedious. But under Count Vandal's management it is clear, dramatic in its movement, with here and there the meaning of a whole group of incidents seized in a phrase. What could be more brilliant than the two lines in which are summed up the operations by which the Russians are to be checked in case they attempt an offensive campaign in 1811: "Napoléon les immobilisera sur la pointe de son épée, tendue au travers de l'Allemagne et insinuée jusqu'à la Vistule!"

Perhaps Count Vandal's most important contributions to the knowledge of the period are to be found in his description of the events which had determining weight in the minds of the two emperors when the question of war or peace was still undecided. After Alexander was obliged to give up his first plan of attacking Napoleon in the spring of 1811, supported by Germany and a kingdom of Poland reconstituted in the Russian interest, he was inclined to rely upon his military resources, accumulated for the projected war, to enable him safely to act as a neutral in the struggle between Napoleon and the English. Before this scheme had mastered his mind, however, the Chancellor Roumiantsof suggested that, if the dispossessed Duke of Oldenburg were given a portion of the Duchy of Warsaw as an indemnity, the Polish problem would be solved in a way as favorable to Russia as the original plan had seemed to be. For if once the vain expectations of the Poles were disappointed nothing could hinder the process of disintegration in the ephemeral state; and in some one of the conflicts which were at the very doors, the remnants would be engulfed in the wave of the advancing Slavic power. Could the Czar succeed in warding off the Polish peril he would be quite ready to modify his obnoxious ukase of December 31 excluding French goods, and to check the growing English commerce with Russia so thinly disguised under the American flag. Consequently Count Vandal shows Alexander, late in March, just when in accordance with his previous orders his troops were being massed near the frontier, sending off his confidential agent Tchernitchef, "l'éternel postillon," as De Maistre

called him. to Paris with orders to offer a compromise which should hint as clearly as was safe at some new dismemberment of Poland. But news had reached France of the movements of Russian troops. In a few lines Count Vandal sums up the awkward situation. He writes: "À l'instant où le péril s' éloigne, Napoléon va l'apercevoir: il va se le figurer immédiat et pressant, se croire sous le coup d' une attaque, répondre instantanément au défi et précipiter le mouvement de ses troupes: par une coïncidence fatale, il va en même temps recevoir l'offre conciliatrice et sentir la menace."

Napoleon was naturally alarmed as the evidence of Russia's warlike preparations kept coming in from his agents in Warsaw, but he was unable, from the carefully veiled suggestions of Tchernitchef, to comprehend the nature of the Czar's demands. As the days passed and he began to realize the immensity of his own resources his desire for peace gradually disappeared. Caulaincourt, who had been recalled from St. Petersburg, reached Paris, June 5th, convinced of Alexander's pacific intentions, and convinced also that Alexander would never yield should the struggle once begin. The same day he had a most remarkable conversation with Napoleon, the detailed impressions of which Count Vandal is able to give from private papers to which he has had access. As a final appeal Caulaincourt declared, "La guerre et la paix sont entre les mains de Votre Majesté. Je la supplie de réfléchir pour son propre bonheur et pour le bien de la France qu'elle va choisir entre les inconvénients de l'une et les avantages bien certain de l'autre." "Vous parlez comme un russe," says Napoleon, "redevenu sévère." "Non, Sire, comme un bon Français, comme un fidèle serviteur de Votre Majesté." It was not until Alexander had waited in vain for the peaceful overtures he expected as a consequence of Caulaincourt's return that at last he threw all hesitations aside and resolutely prepared for war.

Count Vandal believes that the very elaborateness of Napoleon's preparations in the months which followed compromised the success of his expedition. The machine was too elaborate; it tempted disaster. In fact it broke down before the Niemen was crossed. The starving and marauding bands which entered Russian Poland as the advance-guard of the Grand Army chilled the enthusiasm which the emperor expected would greet his approach. As one reads this portion of Vandal's narrative one has the feeling that Napoleon would have gladly withdrawn had it not been too late.

If Count Vandal's account fails anywhere it is in giving such slight emphasis to the part the English played in the diplomatic drama of 1811 and 1812.

HENRY E. BOURNE.



*The Historical Development of Modern Europe*, from the Congress of Vienna to the Present Time. By CHARLES M. ANDREWS, Associate Professor of History in Bryn Mawr College. Vol. I. 1815-1850. (London and New York: G. P. Putnam's Sons. 1896. Pp. vii, 457.)

IN this first volume of his work, Professor Andrews discusses two subjects: first, the development of ideas and events during the revolutionary and Napoleonic eras; second, the struggle, from 1815 to 1850, in France, Italy and Germany, to secure a popular, constitutional government upon a more or less democratic basis. The three chapters in which the author analyses the forces of the French Revolution form an introductory essay, a prologue to the subsequent play. This prologue, in which Napoleon is necessarily the leading actor, is a well-wrought model of carefully condensed description and generalization. The Thirty Years' War had been a rebellion against the doctrine of a universal church and empire and it established, instead of that mediæval conception, the principle of the supremacy of each state, i. e., of each sovereign prince, in both religion and politics. The French Revolution asserted the transfer of sovereignty from the prince to the people as a whole, but with the transfer of sovereignty there went also all the aristocratic administrative machinery of the age of absolutism. The sovereign people must be as unhampered as the sovereign despot had been. Therefore, while the idea of popular sovereignty excited a novel sentiment of patriotism, evoked the mighty spirit of nationality and fostered the new philosophic conception of the rights of man, side by side with these flourished a tyranny of the organs of popular sovereignty, first of the majority in the Chamber, then of the army, and finally of the idol of the army. Napoleon gave permanent expression to part of the revolutionary ideals, but by the methods of the *Grand Monarque*. Out of the revolutionary formula, "Liberty, Equality, Fraternity," Napoleon preserved one-third, "Equality." It was realized in promotions in the civil and military service without regard to lineage or creed, in the removal of restrictions upon local traffic, in the democratic justice of the Code Napoleon. Though Napoleon was thus a product of the Revolution, he was, as a new Cæsar, its direst foe. The sentiment of national unity inherent in the new ideals of the age conquered Napoleon, and the monarchs of Europe hastened to seize the fruits of the victory.

In the treaties underlying the last coalitions against Napoleon, Professor Andrews marks the recognition of moral obligations resting upon individual states in their mutual relations as something previously unknown. The duty of service between nations was at first a part of the livery of Heaven that Metternich stole to serve the devil of absolutism in. In this disguise he directed the congresses of the United States of Europe, by whose power he hoped to stifle the parliamentary idea, or at least to confine it to what he termed "the mad-houses" of London and Paris. In the narrative of the ensuing conflict between the Continental

Liberals and the Metternich régime, Professor Andrews devotes three chapters to the political history of France from 1815 to 1848, and the remaining four chapters tell the story of agitation and repression in Italy, Germany and Austria during the same period. In all these chapters, which comprise two-thirds of the book, the author confines himself strictly to the campaign for representative governments, and scarcely ventures outside of the beaten tracks of political and diplomatic history. The evolution of religious and literary forces in that epoch is adverted to only when it contributes directly to political life and even then but scantily, as in the case of Lamennais in either his earlier or later character, of Chateaubriand, of Gioberti and the Jesuits, and of Hegel. Prior to the revolution of 1848 the socialist and communist gospels of the age, an age of social fermentation, are dismissed within five pages. The industrial and commercial development of the Continent during the first half-century is represented only by occasional references to the character of the bourgeoisie and by the story of the Zollverein.

In the second volume, hereafter to appear, the author announces chapters upon the Second Empire, the Crimean War, Italian unity, the growth of Prussia and German unity, the reorganization of Austria-Hungary, the Eastern Question since 1856, and European history since 1870. In view of the limitations of subject as revealed in the plan of this work, it would seem that its title would be more accurately descriptive if the word "Political" should be substituted for the adjective "Historical." If the historical development of modern Europe is to be adequately considered in successive studies of separate movements or events, according to Professor Andrews's judicious plan, the topic must include much more than the stories of the establishment of parliamentary governments of new states founded on the sentiments of racial unity, and of the Eastern Question. It should include also a study of the religious history of the Continent and especially of the Catholic Church from Gregory XVI. to Leo XIII.; the story of the *Culturkampf* is really endless. It should include the rise and progress of socialism as an economic or social doctrine as well as a political force. It should discuss the gradual Europeanization of the world, which has extended the point of impact between the English and Russian colossi from Constantinople to Central Asia and which has annexed Africa to its northern neighbor. In politics, literature and philosophy its range of view should be as wide as that from Freeman's *Historical Geography of Europe* to Hegel's *Philosophy of History*, or from the classic majesty of Goethe at the beginning of the century to the Hebraic skins, locusts and wild honey of the evangelist Tolstoi at its end. Professor Andrews has really addressed himself to a much more modest task than this, and he has begun it well. His outline of the political history of Central Europe presents a wide and scholarly view of the subject, clearly and easily told, not overburdened with details of fact but enriched with careful and suggestive generalization. It is more interesting and instructive than Fyffe's *Modern Europe*, and it is equally trustworthy. Müller's *Political History of Recent Times* com-



presses more of the facts of history within smaller space, but it lacks almost entirely the leisurely judgments and discussion of political relations which will render Professor Andrews's work useful to the general reader.

There are two maps, both showing Europe after 1815.

CHARLES H. LEVERMORE.

*Histoire du Second Empire.* Par PIERRE DE LA GORCE. Tome troisième. (Paris: Plon, Nourrit et Cie. 1896. Pp. 485.)

THE third volume of M. de la Gorce's history of the Second Empire has all the excellence that characterized the two that preceded it—wealth of detail, vigor of presentation, largeness of view and impartiality of treatment. It opens with the Austro-Sardinian war of 1859, traces the history of that war, the defection of Napoleon at Villafranca, and the negotiations and intrigues that led to Italian unity. With care and thoroughness the author works his way through the plots and counterplots that made possible the annexation of the central Italian provinces to Piedmont, and he closes the first part of his presentation with the meeting of the first Italian Parliament, at Turin, in April, 1860, and the cession of Savoy and Nice during the two months following. At this point three chapters, devoted to *Traité de Commerce*, *L'Expédition de Chine* and *Massacres de Syrie* are introduced. With the completion of these interpolated essays, for they are nothing else, M. de la Gorce resumes his study of Italian history and discusses the expedition of Garibaldi to Sicily, the seizure of the papal provinces of Umbria and the Marches, and the final triumph of Cavour's policy. The closing chapters of the volume carry the reader almost for the first time to the soil of France and examine from that standpoint the remaining events in Italian history to the death of Cavour, in 1861. At the same time these chapters, in taking up the decree of November 24, 1860, whereby the address to the throne, abolished in 1852, was restored to the constitution, prepare us for a later discussion of the constitutional transformation which brought into existence in 1869-70 the liberal empire.

That which this volume brings out with startling clearness is that the history of the Second Empire is the history of a personal supremacy and not the history of a nation, the French, or of a land, France. It is not an account of the social and economic development of a people, of their trade and industry, of their prosperity and discontent, but rather is it the tale of wars, treaties and intriguing diplomacy, of the attempts of a Napoleon to cut a figure in the affairs of Europe. Furthermore, a second glance shows that even Napoleon holds second place and that we are here studying the consummate audacity of Cavour as in the later volumes we shall study the equally superb audacity of Bismarck. And the volume shows why that audacity was successful, in that it was supported by the growing sentiment for union in Italy, which, by substituting a new law for Europe based on the affinities for the old law based on

treaties and ideas of legitimacy, effected a momentous change in the character of European diplomacy.

CHARLES M. ANDREWS.

*Guide to the Study of American History.* By EDWARD CHANNING, Ph. D., and ALBERT BUSHNELL HART, Ph. D., Assistant Professors of History in Harvard University. (Boston and London: Ginn and Co. 1896. Pp. xvi, 471.)

IF there has ever been printed a duodecimo volume more useful than this to the student and the teacher of American history, it is not known to the present reviewer. Indeed, it would be difficult to devise a book combining in itself more of the elements of practical utility. The purpose of the authors is two-fold. They wish to convey a mass of suggestions respecting methods of work in American history, and to furnish a scheme of topics so supplied with references that it will, in all the most important parts of the field, guide the student in his special inquiries. The body of suggestions on method, which constitutes nearly half the book, has not the rigorous scheme and the air of philosophical system which marks the German books of methodology; but to American eyes it will not seem the less practically useful on that account, for, in arrangement as well as in contents, it abounds in common sense. If we might question the propriety of separating the long chapter on the general bibliography of American history (in Part I.) from the detailed bibliographies which constitute Parts II. and III., at any rate the arrangement is everywhere clear and intelligible. The part devoted to methods is full of useful and practical hints, derived not only from the authors' ample experience in teaching large classes and single investigators, but also, it is evident, from catholic observation of the plans followed by other American teachers. The needs of teachers in schools are considered, as well as those of collegiate teachers and students. The chapters in this part treat of the subject-matter as a whole and its most practicable sub-divisions; of methods in general; of the general bibliography of American history; of working libraries; of various forms of class exercises; of reading; of various sorts of written work and of tests. Of these chapters the longest (pp. 30-142) is that on bibliography in general, which gives lists of useful books on method and of bibliographical aids, of general reference-books, of text-books and general histories, of books of travellers, of biographies, of the periodicals and newspapers most often brought into historical service, of the official printed documents of the colonies and of the United States, and of other important classes of sources. The printed records of the states, for the period since the Revolution, seem to be neglected; indeed, the extent and importance of such records seems (p. 107) to be underestimated. It is likely that the lists respectively occupying pp. 78-86, 86-101, 127-132, 137-142, would gain in utility by being broken up into chronological sections. The authors' plan contemplates only a



selection of the most useful books of each class, and precludes them from much discriminating annotation of the lists which they present. But they everywhere refer to completer bibliographies for the use of the more special inquirers, and their selections are made with great judgment and are as abundant as the size of the book will permit.

These remarks apply equally to the second part of the book (Parts II. and III.), which consists of topics and references in colonial history and in that of the United States. The field is divided into 138 sections, each with a topical heading, with its leading sub-divisions stated. Then follows for each a brief bibliography, in four parts: First, detailed references to passages in general historical books; second, references to accounts more special; third, to the sources; fourth, to special bibliographies. All such collections of references, summing up what has been hitherto done in American history, make evident the gaps which, in adherence to traditional lines of work, we have allowed to remain unfilled—our neglect of our economic history, excepting the history of the federal finances, the slightness of our studies into the colonial institutions of the eighteenth century, the lack of serious books or even minor studies upon the history of the states since 1783. The topics are continued to the year 1865. There is an excellent index, of ingenious plan.

*The German Pietists of Provincial Pennsylvania, 1694-1708.* By JULIUS FRIEDRICH SACHSE, Life Member of the Historical Society of Pennsylvania, etc. (Philadelphia: Printed for the Author. 1895. Pp. xviii, 504.)

THIS is a book of high typographical excellence. The fine paper, clear type and profuse illustrations delight the eye. It contains twenty-two full-page plates, and two hundred and eight smaller illustrations, chiefly reproductions of documents and relics which the author has himself photographed.

The contributions made by the Germans to the colonial history of this country has been greatly overlooked. With most commendable zeal and industry, Mr. Sachse is devoting his time to more thorough investigations concerning the early history of the Germans in Pennsylvania, utilizing all material accessible in Philadelphia and its neighborhood, and supplementing it by personal research amidst the rich storehouses of records in Germany.

This volume must not be regarded as a general history of the various German pietistic sects of Pennsylvania. It is limited to the brief career of but one of these, composed of forty men, the adherents of the dismissed Württemberg pastor, Rev. J. J. Zimmerman, who on June 23, 1694, landed at Philadelphia, and established a Rosicrucian monastery along the romantic Wissahickon, in the neighborhood of Germantown. In religion, firm in their professed adherence to the doctrines of the Lutheran Church, but at the same time mystics, chiliasts and theosoph-

ists, and its science alchemists and astrologers, they fled into the wilderness to await the coming of the Lord, and from the observatory of their home peered through the telescope to look from the mansions of the heavenly bodies the first indications of that critical moment. The community soon disintegrated through rivalry between the leaders, the attractions of family life, and the inevitable consequences of interest in questions that were agitating the world nearest them.

The historical importance of the community was, however, far-reaching. Four names connected with it are especially notable. John Kelpius b. 1673, their leader, a native of Transylvania, and a graduate of the University of Altdorf, spent much of his time in an artificially constructed cave, and died of consumption in 1708, expecting until almost the last moment that he would be transferred bodily to the heavenly kingdom. The publications and MSS. of Kelpius are described in full.

Henry Bernard Köster, whom Mr. Sachse describes as "the most heroic figure in the history of the German Pietists of Pennsylvania," born in Westphalia in 1662, came from a family of scholars, was a university graduate, and had attained reputation as a teacher before entering into the movement. He combined width of attainments with executive ability and aggressive spirit. The differences between him and Kelpius culminated in his withdrawing a portion of the community, and establishing at Plymouth, north of Germantown, "The True Church of Philadelphia." His restless spirit led him to take an active part in the controversy then agitating the Quakers, as an advocate of the Keithians. The absence of any preaching services among the inhabitants of Germantown was supplied by religious meetings which he held in both the German and the English languages. Through his agency, the Church of England was induced to make provision for its people in Philadelphia and the neighborhood. Baptizing a number of Keithians by immersion in the Delaware, he is closely connected with the early history of the Baptists of Pennsylvania. But he was unable to identify himself as a member with either of these bodies, upon the professed ground of his adherence to Lutheran principles. Returning to Germany, in 1690, after but five years' residence in America, he was diligent as a teacher and writer, chiefly in philology, until his death in Hanover in 1740.

The new light in which Mr. Sachse's book places Daniel Falkner deserves particular acknowledgment. Falkner was an alumnus of the University of Erfurt, and an intimate friend of A. H. Francke. Supplanting Pastorius in 1700 as the land-agent of the Frankfort Company and of William Penn in Germantown and Manatawny, and as bailiff of Germantown, he was involved in a controversy with the former, from which his memory has rested under a cloud. Mr. Sachse vindicates it upon the basis of hitherto unknown documents and shows that Daniel, and not Justus, Falkner was the first regular German pastor, at Falkner's Swamp, Montgomery Co., Pa. Daniel Falkner was subsequently the founder of the Lutheran Church in New Jersey.

Justus Falkner, the younger brother of Daniel, who came over from



Germany with the latter, on his second trip, is a still more interesting character. The first minister ordained in Pennsylvania (the rite was that of the Swedish Church, and the place was the now venerable Gloria Dei Church, in 1703), his gifts as a hymn-writer, and his long pastorate in New York, have hitherto attracted more attention to him than to his brother.

The author supports his positions with an extraordinary amount of evidence, which the application of photography to engraving has rendered accessible. The material is grouped into two sections, the first dealing with the history of the colony, and the second with the biography of some of its members. Philadelphians will be interested in the care Mr. Sachse has taken to identify the localities connected with this romantic episode in the early history of their city, and to trace every point of its connection with local history. The author does not write from the standpoint of the pure antiquarian, but of one who knows how to prize present surroundings because of their historical associations. The book is gracefully written, with the glow of feeling that may be expected wherever the investigator takes a deep interest in his subject. Our only criticism is that a somewhat different grouping of the material would add greatly to the popularity of the book; but this is a matter of minor importance.

H. E. JACOBS.

*The Province of Quebec and the Early American Revolution.* By VICTOR COFFIN, Ph. D., Assistant Professor of European History in the University of Wisconsin. [Bulletin of the University of Wisconsin—History Series, I. 3.] (Madison: Published by the University. 1896. Pp. xvii, 275-562.)

THE imperial act of Great Britain, known as the Quebec Act of 1774, has always commanded the attention of the historical student. Dr. Coffin has given us a monograph of some length examining its origin, cause and influences. His work is one of labor and research and he sustains his views by authorities drawn from the Canadian archives at Ottawa.

After the conquest of Canada it became necessary to establish some form of government to preserve order. The articles of final capitulation were signed on the 8th of September, 1760. It is at this date that Dr. Coffin commences his history.

The first act of the British government was the royal proclamation of the 7th of October of this year, establishing the limits of Canada in connection with those of the governments of East and West Florida and Grenada. This topographical description was given in so clumsy a manner as to be unintelligible; it must suffice to say that it excluded the greater part of the present province of Ontario. In the same bungling spirit, it was declared that in these several colonies respectively, so soon as their state and circumstances would admit, general assemblies . . . in such manner and form . . . as in the colonies and provinces of America, would be summoned.

This stipulation was not fulfilled until 1791, on the passage of the act which divided this province into Upper and Lower Canada, each with its legislature. Hence it was the constant object of demand on the part of the limited population of old subjects who had found their way northerly. Dr. Coffin assails the well-known dispatch of Murray, of the 20th of August, 1766, in which he describes these old subjects as a set of adventurers. Dr. Coffin represents them as imbued with a certain degree of the American spirit, and determined to lose no opportunity of pressing their claims for the establishment of English law and an assembly (p. 398).

The Quebec Act was passed on the 7th of October, 1774, and it attracted great attention in the old provinces, for it became law in the crisis of the American Revolution. The governors of Canada up to this date were Murray and Carleton; to the high qualities of both Dr. Coffin does full justice; he, however, shows a disposition to believe in the justice of the complaint of Murray's arrogance, but recognizes the higher qualities of Carleton. Murray was recalled in 1766. Carleton remained in office until 1778, for four years after the passage of the Quebec Act.

Dr. Coffin describes the conditions of Canada from the conquest onwards. In his view too much consideration was shown the seigniors; the *habitants* he regards as desiring nothing more in regard to religion than the measures necessary for the enjoyment of its voluntary features, and he believes that they were already distinctly opposed to its legal establishment with compulsory powers (p. 285). There were at this date about 65,000 French Canadian Roman Catholics; the lists of the Protestants obtained by Murray scarcely reached 200. The grand jury of Quebec in 1764 presented that as there was no house of assembly the grand jury was the one body representing the people, that it should be consulted in the passage of laws, and that the public accounts should be laid before that body twice a year. There was one claim which was only partially signed, complaining that persons professing the religion of Rome and recognizing the supremacy of the pope should be sworn as jurors, in open violation of our most sacred laws and liberty and tending to the entire subversion of the Protestant religion. We have in these simple facts the justification that may be offered for the provisions of the Quebec Act framed on the theory that the creation of a house of assembly was not expedient.

It must be conceded that an enactment was necessary to define the boundaries of Canada and the system of government which it was indispensable to establish. Dr. Coffin tells us that closer investigation will show that the disastrous influence of the measure was as great in affecting the mind of the old British provinces as the more direct attacks on colonial institutions then experienced, and that it was natural to regard the act in connection with the coercive measures then being enacted. Far from being surprised at the strong feeling of indignation entertained by the Revolutionary fathers, his wonder has been aroused at finding their suspicions to be so utterly without foundation (p. 529). All the important provisions of the act had been decided previous to 1770. In



1763 the action taken with regard to the western lands was a re-affirmation of what had been proposed in 1756. The peace negotiations had included Canada with all its dependencies. In 1763 it was suggested that the western territory should be governed by the commander-in-chief, and the proposal to place it under the control of Canada was rejected as giving to the province an undue advantage in the fur trade. It was only from the feeling of the impossibility of any other arrangement that the western territory was finally assigned to Canada, and not from any hostility to the southern provinces.

The protest of Congress against the encouragement of the Roman Catholic religion by permitting the priests to hold, receive and enjoy the accustomed dues and rights, and against the recognition of French civil law by which the existence of a French Canadian province was assured, are matters of history. On this point Dr. Coffin speaks very strongly. He urges that it was the duty of Great Britain to start the province as an English, not as a French community, and that the act which determined the ecclesiastical condition and the civil code handed Canada over to a French Canadian population.

Dr. Coffin assigns to this feeling the abandonment by the United Empire Loyalists of Lower Canada. No such unfortunate exodus was contemplated in 1774, and when it took place climatical conditions had much to do in influencing the choice of the new home. Dr. Coffin summarizes his view of this matter in the sentence that it is not an extreme view to regard the great difficulties that beset English rule in Canada and the grave problems that confront the Dominion as a natural and logical development of the policy of the Quebec Act (p. 540).

Although we are by no means certain that Dr. Coffin's views will obtain universal recognition, it is but an act of duty to do justice to his industry and research in placing the question so fully and ably before the historical student. He has himself afforded the means of fairly considering his theories, and his work is really indispensable to any one who desires to master this somewhat difficult question. It should certainly obtain attention, especially in Canada, for it throws light on much affecting the modern politics of the Dominion.

*The Writings of John Dickinson.* Vol. I. Political Writings, 1764-1774. Edited by PAUL LEICESTER FORD. (Philadelphia: The Historical Society of Pennsylvania. 1896. Pp. xxii, 501.)

THIS, Vol. II. of the *Life and Writings of John Dickinson*, and Vol. XIV. of the *Memoirs* of the Historical Society of Pennsylvania, had the way prepared by the preceding volume of the series, *The Life and Times of John Dickinson, 1732-1808*, by Charles J. Stillé, LL. D., published by the same society in 1891. In that able and scholarly work Dr. Stillé gave the first adequate presentation of the personality of John Dickinson and of his influence upon the men and events of his day. Mr. Ford, with his accustomed patience and industry, aided by his wide knowledge

of the literature of the epoch, has brought to light, from contemporary broadsides, newspapers, forgotten pamphlets and original manuscripts, many papers by Dickinson, heretofore practically unknown. With this added material, together with that already familiar to us, the editor announces that there will be a second volume of the *Political Writings* and a third volume of correspondence. Some of the papers presented in this volume for the first time to readers of this century are quite equal in force and breadth of statesmanship to many of the author's better known publications. As was to be expected, they are all in line with his unceasing efforts, tending to one end—to secure self-government for the American people. From this he never swerved, and to this singleness of purpose is, of course, due much of his influence in shaping events in his day. When Dickinson published his *Writings*, in 1801, he naturally omitted many papers which related to ephemeral issues, and especially to personal controversies with antagonists then long deceased. Mr. Ford has wisely included these papers in the new edition. We say wisely, for nothing better illustrates the temper of the man, and the temper of the times in which they were written, to say nothing of their value for the estimates they often give of Dickinson's contemporaries. His well-known speech, of May 24, 1764, wherein he warned Pennsylvanians of the danger they ran in fleeing from the evils of proprietary government to the worse dangers of rule by an English ministry, is here supplemented by several other papers in the same connection, from his pen, but hitherto not reprinted. In like manner his resolutions and speeches on the Stamp Act, widely printed at the time, and reprinted in his *Writings*, are here supplemented by other important contributions of his to the literature of the subject, almost if not quite unknown to most students of history. Among the other new material given may be mentioned the author's "Song for American Freedom," containing the suggestive lines, "By uniting we stand, by dividing we fall;" also four *Letters to the Inhabitants of the British Colonies*, published in 1774, in relation to the Boston Port Bill. Each of the papers in this handsome volume is enriched by explanatory and bibliographical notes by Mr. Ford; fac-similes are given of the "Song" above mentioned, and also of the title-pages of the several pamphlets. It is to be hoped that the other volumes of the *Writings* will be forthcoming soon.

WILLIAM NELSON.

*Conquest of the Country Northwest of the River Ohio, 1778-1783, and Life of Gen. George Rogers Clark.* By WILLIAM HAYDEN ENGLISH, President of the Indiana Historical Society. (Indianapolis and Kansas City: The Bowen-Merrill Company. 1896. Two vols., pp. 1186.)

THE death of the author of this work followed shortly after its completion. He was a prominent citizen of Indiana and President of the State Historical Society of that state, and in 1880 he received the Demo-



cratic nomination for the Vice-Presidency of the United States. He was not a trained historian and was led to the studies which resulted in these volumes primarily by his interest in the local and genealogical aspects of his subject. He tells us in his preface:

"The author, born and brought up on the borders of Clark's grant, of a family which furnished Clark three officers in his campaign against the British, and was allied to his family in early times by marriage, naturally felt an interest in the great historic events of Clark's life."

The work contains much carefully prepared material on the early life of Clark and the careers of men connected with him, but it is very defective in historical organization. The author shows no capacity for arrangement and perspective in his work, and the literary style is not attractive. He does not attempt any broadly based defense of his main thesis, that the conquest of the Illinois country by George Rogers Clark gave us the Northwest in the treaty of peace negotiated with the mother country. As a matter of fact, the effective consideration with the British authorities seems to have been Franklin's argument that a liberal peace, granting the Mississippi boundary, among other things, was the price of conciliation between the two countries, and in Parliament Shelburne defended his action by arguing that the fur trade of the Northwest was not sufficiently profitable to warrant the retention of the country.

Whatever may be thought of the importance of Clark's conquest, it was a remarkable and noteworthy event in the Revolution and in the history of the West, and Mr. English's work is useful in the amount of illustrative material he has got together on his subject. He was an eager and jealous collector of original letters, and in his book gives a number of hitherto unpublished letters in fac-simile, including the interesting joint letter of Wythe, Mason and Jefferson to Clark, assuring him of the readiness of Virginia to grant lands to the soldiers who should follow Clark.

Beginning with the genealogy and early life of Clark, Mr. English sketches his career to the initiation of the Illinois campaign, in two chapters, and devotes the rest of his first volume to an extended account of the campaign. In this volume he prints also Clark's letters describing his campaigns. These are: (1) An account written at Vincennes, apparently on February 27, 1779, which was a report to the governor of Virginia, of his attack on Vincennes. This is an incomplete copy of the original, which was taken from Clark's messenger, who was killed by the Indians. The original seems to be lost, but this fragmentary copy is in the Canadian archives. It is spoken of in this book as if hitherto unpublished; but it was printed (more accurately) in the first number of this REVIEW (Vol. I., pp. 91-94). (2) Letter to Thomas Jefferson, April 29, 1779, after Clark had heard of the capture of his messenger. Substantially the same letter is published in Henry's *Life of Patrick Henry*, as addressed to the latter. (3) Letter to George Mason, from Louisville, November 19, 1779, reprinted from the Ohio Valley Historical Series, No. 3, *Clark's Campaign in the Illinois*, 1869. This is the most

important source for the whole movement. (5) Clark's Memoir, written later (perhaps in 1791) and containing a fuller and more ambitious narrative, but not so nearly contemporaneous as the previous letter to Mason. This Memoir Mr. English prints in full for the first time from the copy from which Dillon made the extensive extracts published in his *History of Indiana*. Mr. English compared it with Colonel Durrett's copy, at Louisville, and "partly" with the original in the Draper Collection, the property of the State Historical Society of Wisconsin. He also reprints various other important documents, such as Major Bowman's Journal. Unfortunately, Mr. English's editorial canons were very bad ones. He corrects and modernizes the spelling and grammar of these documents. Comparing his reprint of Clark's Memoir with Mr. Dillon's extracts, we find that he uses parentheses where Dillon uses brackets or footnotes, for explanatory material not in the Draper original, and that he gives no indication whether this matter in parentheses represents the original text or is interpolated by another hand. It may be that the copy which he and Dillon used is correctly reprinted by him and not by Dillon; but it is obviously a grave blunder to use another text when the original was to be had. It is to be hoped that a reprint of this memoir in its exact form may before long be given to the public.

The second volume contains accounts of the captivity of Hamilton, including the hardships to which he was subjected as measures of retaliation; of the building and siege of Fort Jefferson; and of Clark's later expeditions and projects for the completion and conquest of the Northwest. The author devotes a chapter to Clark's financial distress and intemperance at the close of these operations. The expeditions against the Wabash and Miami Indians and the projected expedition under France are located in another chapter. The author excuses Clark's expatriation and acceptance of a French commission from Genet for the reduction of the Spanish power at the mouth of the Mississippi, as being really in the interest of the West and ultimately useful to the nation. The bitterness of Clark's language toward the government at this time, however, hardly warrants too much trust in his disinterestedness. Possibly Mr. English did not use this portion of the Draper Collection, since he does not cite it.

Miscellaneous information on Clark's later days, his burial place, the roll of his officers and soldiers who were allotted land in Clark's grant, with the precise description of the locations, a symposium of opinions of eminent men on Clark's merits, and similar material, completes the work. In the appendix the author gives the interesting "Account of General Clark against the State of Virginia." A critical examination of the sword story leads Mr. English to the well-founded conclusion that it was the first sword presented by Virginia, and not the second sword, that Clark broke in a fit of anger over Virginia's method of showing her gratitude. Mr. English is also wisely critical of that other "pretty story," which even Mr. Roosevelt accepts on the authority of Major Denny, which makes Clark appear dramatically at the capture of Kaskas-

kia, at the door of a lighted ball-room, announced by the warwhoop of a recumbent Indian. But Mr. English was deficient in legitimate historical imagination and constructive power, and his editorial principles were too lax to permit his reprints to be regarded as authentic texts. He has therefore made simply one more contribution to the material for a full biography of George Rogers Clark.

FREDERICK J. TURNER.

*The Trent Affair*, including a Review of English and American Relations at the Beginning of the Civil War. By THOMAS L. HARRIS, A. M. (Indianapolis and Kansas City: The Bowen-Merrill Company. 1896. Pp. 288.)

THE purpose of this book is to examine the literature of the Trent case, to review the original material, and to place in a brief and accessible shape the essential features of the discussion upon it. With this object in view Mr. Harris has collected and arranged in different chapters extracts from the speeches of public men both in this country and England, from articles in newspapers and periodicals, from contemporary letters and diaries, and from biographies, reminiscences and other publications of a later date. In some he has quoted exactly, in others he has paraphrased, and in others given a summary of the passages on which he relies. He devotes two chapters to "The Effect in America" of the seizure of Mason and Slidell and to the "Consideration of the British Demand." So far as these chapters are chronicles of the time, disclosing the state of public opinion, they have a certain historical importance; so far as they attempt to describe the attitude and conduct of the President or of any member of his cabinet, they are personal and biographical rather than historical. These are matters upon which there has been a certain amount of partisan writing since the deaths of both Lincoln and Seward, and if anything was to be said about them the quotations and authorities should have been so arranged that the reader would at once distinguish between contemporary accounts and reminiscences or impressions first written out long afterwards and when the principal actors were dead. Mr. Harris, however, has thrown together promiscuously the inconsistent and sometimes contradictory statements of different writers as to what the President or Secretary thought or said, often with nothing to show when these statements were made, and with no attempt on his part to distinguish between authentic contemporary statements of fact and those deceiving narratives which are really only expositions of opinion, or even the less trustworthy conjectures of a biographer or eulogist. If he had on this point followed a chronological order in his quotations and authorities it would have appeared that, at the time, Seward was held alone responsible for the decision and for the reasons assigned for it, and that the cabinet as well as the press so treated it. Mr. Harris's extracts from the speeches in Congress after the surrender was

known exhibit the spirit of some of our public men. The letters from France and Prussia which he also prints show that, if we had kept the men and war had followed, we should have had no sympathy in Europe ; his authorities hardly justify the conclusion that in case of war it is well-nigh certain we should have had the Czar as an ally, still less that a Russian admiral would have reported to the President for duty. Lord Russell's reply to Mr. Seward is an integral part of the case of the Trent ; and Mr. Harris's comments on the course of the British government make a suitable close to his book. His preceding criticisms on Mr. Seward's despatch are not to be accepted without a more thorough examination than is here possible, and his general conclusions (p. 265) are certainly open to question as statements of the results of this case. (See Dana's *Wheaton*, pp. 644-661, note.)

*Mosby's Rangers: A Record of the Operations of the Forty-third Battalion Virginia Cavalry, from its Organization to the Surrender, from the Diary of a Private, supplemented and verified with Official Reports, etc.* By JAMES J. WILLIAMSON, of Company A. (New York: Ralph B. Kenyon. 1896. Pp. xii, 510.)

NONE of the brave men who fought through our civil war is qualified to write its final history ; yet whoever is able should deem it a duty to jot down the facts which alone can lend local color to the work of the future historian. With characteristic national patience, the German general-staff has compiled an unprejudiced narrative of the War of 1870 ; but in America we are not so fortunate. Though there is no lack of even-handed treatment of the subject, the majority of our war-books lean markedly to one or the other side ; and despite the glamour environing Mosby, the volume before us is somewhat marred by its unconscious bias. War on the large scale is a universally engrossing topic ; the operations of small war must be narrated with exceptional dash to ensure an audience beyond the immediate personal circle ; and this book will be chiefly read by those who served on the outskirts of the Virginian armies.

John Singleton Mosby was a born partisan. In 1861 he was twenty-eight years old, a college-bred lawyer, a man of quiet character, gentle though firm, cool and daring, and an unusual judge of men. Our author describes him as "a rather slender, but wiry-looking young man of medium height, with keen eyes and pleasant expression." During the first two years of the war he played but a modest part, awhile in the Old Capitol prison ; nor until June, 1863, does he appear in a masterful rôle on the Virginia theatre of operations. His habitat, "Mosby's Confederacy," was a quadrangle between the Blue Ridge and Bull Run Mountains, whose debouches lay at the four corners—Manassas, Thoroughfare, Snicker's and Aldie Gaps. His troops were farmers, many of whom had

suffered at the hands of the United States troops ; they were called together for a raid by couriers ; they dispersed after the event ; any Virginian would shelter and feed them. Though they were regularly mustered in the Confederate army and though Mosby reported directly to J. E. B. Stuart and later to Gen. Lee, we Federals persisted in calling them guerillas, bushwhackers, freebooters, and sought to deny them the rights of the soldier who served in the ranks. Yet it is doubtful if war was ever conducted by an invaded population without recourse to irregulars—*Freischützen*, *francs-tireurs*, *Cossacks*—doubtful if conflict was ever freer from vandalism.

From his "Confederacy" Col. Mosby sallied forth at intervals of a few days or weeks, and by his intimate knowledge of the *terrain*, the aid of the country people, his exceptional speed, and his power of getting work out of his men and horses, he created for himself an importance quite beyond his actual power. He cut out army trains, burned bridges, pounced on sleeping camps, waylaid scouting parties, wrecked trains and captured paymasters with funds, rode into towns and took general officers prisoners in their beds, attacked cavalry columns with a mere handful of men, and generally played havoc with the minor operations of our armies. No wonder that his boldness and skill made him a Southern hero and Northern plague. Yet it savors of extravagance to herald him as the dread of Grant and Sheridan, as a factor in their problem overriding Lee and Early. As Hannibal's Numidians pestered the Roman legions ; as the Austrian Pandours more than once upset old Frederick's best laid plans ; so Mosby's brilliant success was won because the conditions had bred for us no body of men which could play his game. This was all : Æsop's gad-fly all but drove the lion crazy. Excellent chronicle as is Mr. Williamson's book, in this it lacks perspective : that it has just a trifle too much of the "we did it all" spirit. And yet the author is fair according to his light, admits occasional defeat gracefully, is not offensive in his accusations of "barbarities" committed by the Union troops, and verifies his statements by copious footnote extracts from the *War Records*. Still, when one finds that it is "nothing contrary to the usage of War" for Mosby to wreck a train and "kill and wound a large number" of our people, but that it is "brutal conduct" deserving retaliation for us to arrest some Confederate citizens, and make them ride on future trains as a deterrent, one is tempted to smile the honest obliquity of the author.

If Mosby was an irregular *beau sabreur* of pure water, so were his men brave, devoted, skilful and enterprising. They covered the country from Gordonsville to Gettysburg, from the Shenandoah to the lower Potomac, and left their impress wherever they went, in distinctly inverse ratio to their numbers. They were naturally horsemen as our men were not ; they left sabre and carbine behind and rode at the enemy with their six-shooters ; and their heavy percentage of loss testifies to their fighting capacity. In line of battle, however, they would not have counted for much—until they learned their trade. They did precisely

what New England farmers did a hundred years ago, and would do again—no more, no less.

The two hundred portraits, both Union and Confederate, are interesting as giving occasion to compare the Northern and Southern soldier's looks and attire, as well as to gauge the difference between the outward man of to-day and him of a generation past. The inward man varies only as he gains (or loses) by civilization.

THEODORE AYRAULT DODGE.

*Greek Oligarchies: Their Character and Organization*, by Leonard Whibley. (New York: G. P. Putnam's Sons. 1896. Pp. viii, 212.) The author is a careful student of Aristotle's *Politics*, as may be inferred from his interesting treatment (Ch. I.) of Aristotle's classification of the forms of government, (Ch. IV.) of the varieties of aristocracy and oligarchy from Aristotle's standpoint and with historical illustrations, and (Ch. V.) of magistracies, councils, and assemblies as elements of oligarchic constitutions. These chapters form a useful contribution to Aristotelian literature; but the entire treatise is vitiated by the author's failure to distinguish fact from theory and by his lack of acquaintance with Grecian history. For instance, his statement that the names of the Attic γένη are all patronymic is a serious blunder; and his speculations as to the φπαρτίαι and γένη, in which he follows Fustel de Coulanges, find little support in present-day research. Some credit is due him for his use of the comparative method; yet his comparisons are often superficial: there is more that is misleading than instructive in his analogy between the Attic peasants of Solon's time and the Laconian Helots. Sometimes he contradicts himself, as in his treatment of the Homeric assembly; sometimes he offers theories long antiquated, *e. g.*, that a time was when the common freemen were constitutionally exempt from military service. He settles unsettled questions with one bold dash of the pen—has "many reasons" for a view, but refuses to give one, although his reader would be grateful to him for a little light. In the historical parts of his work in general the author does not represent the best recent scholarship. He has read Gilbert, *Griechische Staatsalterthümer* II, carefully, but is unacquainted with such works as Busolt's *Griechische Geschichte* I. 2, Beloch's *Griechische Geschichte* I., and Wilamowitz-Möllendorff's *Aristoteles und Athen* (cited in an appendix), though these works appeared three years before the publication of his treatise.

G. W. B.

It is agreeable to note that Mr. John Dennie's *Rome of To-Day and Yesterday: the Pagan City*, has passed into a third edition (Putnam's, pp. 392), for rarely is so much excellent and instructive archæological matter presented in a style so lucid and so attractive. The work has been carefully revised since its first issue by Messrs. Estes and Lauriat, and is adorned with beautiful illustrations, chiefly after photographs by Signor Anderson, of Rome.

Mr. W. D. Johnston, an instructor in the University of Michigan, issues the first of a series of *English Historical Reprints* (Ann Arbor, Sheehan and Co., pp. 46). The general intention of the series is to bring together in a handy form the most important documents illustrating the main movements of English history. The present number has to do with the relations between church and state in mediæval times. Twenty-three documents are presented. The pieces are judiciously selected. Each is accompanied with a statement of its source, and there is a brief general introduction and a useful bibliography.

Miss E. S. Kirkland's *Short History of Italy* (Chicago, McClurg, 486 pp.) is gossip, not history—the gossip of a clever woman, who remembers anecdotes and *bon-mots* and cares little for the hard facts of history. She is so heedless of that accuracy which alone enables us to see how cause and effect dovetail into each other in human events, that a discrepancy of a few months never troubles her. Many of her statements hit about as near as an Italian might hit who should say that the battle of Bull Run was fought before Sumter was fired on. The possible inaccuracy amounts to but thirteen weeks in *time*, but in the scale of cause and effect it is incomputable. Miss Kirkland's reader must be equipped, therefore, with a knowledge of her subject if he would be sure of putting her statements in proper order; the unequipped had better place no more reliance in them than he would in the history of one of the novels of Dumas *père*.

*Philip Augustus*, by William Holden Hutton, B. D., Fellow and Tutor of St. John's College, Oxford (London and New York, Macmillan, 1896, pp. 229), is the second in a series of popular biographies, called the *Foreign Statesmen Series* and modeled on the familiar volumes bearing the general title of *Twelve English Statesmen*. Viewed in the light of its purpose it deserves hearty commendation. Mr. Hutton has told the story of the great French monarch with a keen and sympathetic appreciation of the man and of his aims. He has told it, moreover, in an interesting way, making much use of the incidental touches of the contemporary chroniclers and poets who set forth Philip's deeds. In traversing so well-worked a field the author has necessarily found, as he freely acknowledges, that his conclusions have been "so constantly anticipated by the French and German historians who have studied the subject within the last fifty years, that (he has) often had no other course open to (him) but to follow closely in the path that they had marked out." An examination of the volume shows plainly that his indebtedness to the modern literature of the theme is extensive, but it shows also that Mr. Hutton has diligently examined the sources of the history of the period and has been much more than a mere compiler. The volume is fitted to give a clearer popular acquaintance among English and American readers, with the character and achievements of one of the most remarkable of the kings of France.

W. W.



*Archives ou Correspondance Inédite de la Maison d'Orange Nassau.* Supplément au Recueil de M. G. Groen van Prinsterer : La Correspondance du Prince Guillaume d'Orange avec Jacques de Wesenbeke, par J. F. van Someren (Utrecht, Kemink, 1896, xxiii, 265 pp.) European archives have often proven mere tombs for the treasures committed to their depths, and years of patient search have been spent before all documents pertaining to any one person are exhumed. William, Prince of Orange, was an indefatigable correspondent in all stages of his career and during his exile (1568-72) he left no one unaddressed from whom there was the faintest hope of winning aid. Yet there are no years for which we have had so little information. He was a wanderer, and many of his friends were, for the time being, homeless and without a place to which they could consign their papers for safe keeping. Hence letters of that period have been slow to come to light and many have turned up in unexpected archives, as these which now come to us from England, some being the originals and some copies.

In this supplement to Groen's *Archives* (1835-1861) Mr. van Someren has published a valuable series of one hundred and seven letters dated in 1570 and 1571, being mainly those which passed between Orange and his confidential agent, Jacques de Wesenbeke. Groen and Gachard together only give twenty-three letters and one commission for those years, while there is a note added to the last, pointing out the value of the document as a proof of the prince's zeal at a moment when there was no prospect of a revolt against Alva's rule. The papers published by van Someren show that this commission was by no means unique and that though hope was forlorn it was never abandoned. The matter here is not entirely new. Baron Kervyn de Lettenhove was the first person to explore British archives for matter relating to the Netherlands and his *Documents Inédits* (1883) contains several of the Wesenbeke letters. Mr. van Someren continued the search in the British Museum and the Bodleian Library and has been very successful not only in making public new matter, but also in correcting some of the readings of Kervyn, who rarely fails to display his prejudices and partizanship even when acting as editor only.

R. P.

Mr. J. Neville Figgis's work, *The Theory of the Divine Right of Kings* (Cambridge University Press, 1896, pp. xiv, 304), is a serious and on the whole successful attempt to set that much ridiculed theory in its true historical light. The author's point of view is thoroughly scientific, his information is adequate and his conclusions are sound. He finds that the roots of the theory lay in the sentiment of early Christianity that government was divinely ordained; that the development of the theory was stimulated chiefly by the extravagant pretensions of papal authority; that it attained its greatest importance in affording a shelter for those who opposed clericalism, whether of the papal or of the Presbyterian type; and that it thus played an indispensable part in the transition from



mediæval to modern political thought and practice. Particularly striking is the author's demonstration that the divine-right theory in its essence, stripped of the theological and Scriptural argumentation which was used to sustain it, has a closer relation to the dominant political philosophy of the present day than has the contract theory, to which so much of our modern liberty is supposed to be due. Mr. Figgis's central thought is, in short, that the theory with which he deals was a nationalist and a conservative theory. It embodied the views of those who sought a clearly-defined centre of political authority, based on the traditions and customs of the land, and affording a guarantee against the anarchic tendencies of Puritans and Independents. In the days of intense religious feeling the resort to an immediate divine sanction as support for such authority was as much a matter of course as in later days has been the resort to the teaching of history or to the cold formulas of expediency. Mr. Figgis sketches the literature of the controversy over divine right and indicates very clearly the bearing of objective history on the strength and the decline of the theory. It was perhaps inevitable that he should limit himself for the most part to the examination of British thought; in fact it was only in connection with English affairs that the doctrine in its purity assumed a high degree of practical importance.

W. A. D.

The Hulsean Lectures for 1894-5, by Dr. Alfred Barry, formerly Primate of Australia, have been printed by the Macmillan Company in a volume entitled *The Ecclesiastical Expansion of England in the Growth of the Anglican Communion* (pp. 387). The four lectures originally delivered at Cambridge deal in an interesting manner and in a liberal spirit with the three great missionary functions of the Anglican Church in respect to the dependencies of the Empire—its mission in the sphere of colonial expansion, its work in India and the East, and its labors in the conversion of the lower races. Since the lectures, though careful and suggestive, give few historical and other details, the author has adopted in publication the device, not wholly happy, of adding appendices, almost equal in length to the lectures, in which details of the history and growth of the Church in extra-European lands are presented. Those relating to the American colonies and the United States are unexceptionable in plan and intention, but are sometimes far from correct, as where the population of Virginia in 1761 is given as 80,000, that of North Carolina as 36,000 (p. 218); or where Virginia is credited with 167 parishes at the time of the Revolution (p. 222); and the Protestant Episcopal Church in the present United States with "about three millions and a half of professed members" (p. 225), a computation exaggerated five or six fold.

*Histoire de la Troisième République. I. La Présidence de M. Thiers.*  
Par E. Zevort. (Paris: Félix Alcan. 1896. Pp. xii, 411.) This is

the first of three volumes to cover the history of the Third French Republic from its origin to the end of the presidency of M. Carnot. In that part of the work yet to appear the author will have a chance to put into convenient shape the history of twenty years or more of a comparatively unexplored field, and may produce a serviceable if not a valuable book; this volume, however, is in some respects a disappointment. M. Zévort has issued a formidable number of historical productions, but in the present instance he fails to treat adequately some of the most striking and instructive events of the period under consideration. He deems it worth while to mention the death of the director of the observatory in 1872, but gives absolutely no account of the proclamation of the Republic at the Hôtel de Ville on September 4, 1870, or of the establishment of the Commune on March 18, 1871. Here were two excellent opportunities to study revolutionary uprisings in Paris and to show in detail why one succeeded and the other failed. Furthermore—still confining our attention to matters of the first importance—the last days of the Commune in 1871 and the fall of Thiers in 1873 are disposed of altogether too summarily. One cannot help feeling, also, that the author greatly underestimates the services of Thiers and equally overrates the political sagacity of Gambetta. But the book is not without value; and attention should especially be called to a collection of documents occupying an appendix of sixty pages. Whatever may be the merits of future volumes, the one under review is far from supplanting Duret's *Histoire de France de 1870 à 1873*.  
C. F. A. C.

Mr. Appleton P. C. Griffin, who may be addressed at the Boston Athenæum, has printed an *Index to the Literature of American Local History in Collections published in 1890-95* (pp. 151), intended as a supplement to that contributed by him to the *Bulletins* of the Boston Public Library, and published afterward as a separate volume by that institution. The present issue is intended to include essays, historical and descriptive sketches, contained in such collections as the historical magazines, the publications of historical societies and composite county histories. The material is arranged in alphabetical order of subjects, states and counties as well as towns being included in the list. The value of the original bibliography is now so well known that it is not necessary to emphasize the utility of the present *Index*.

The Massachusetts Historical Society has published the tenth volume of the present series of its *Proceedings*—a volume of 616 pages, edited and indexed with the care usually bestowed by the society upon its publications. The contents, while chiefly of interest to the student of Massachusetts history, include also some items of more general interest, such as a complete roll of the members of the United States Senate during the first century of its existence, presented by Mr. W. S. Appleton, and a series of letters from John Quincy Adams to his brother, written from St. Petersburg, in the years from 1810 to 1814. With these exceptions the

volume, as is usual with the publications of our historical societies, reveals little trace of interest in those portions of American history which are subsequent to the Revolution. The most important contributions to New England history embraced in the volume are Mr. E. L. Pierce's account of the diary of John Rowe, a prominent Boston merchant of the Revolutionary period, followed by numerous extracts from the diary; a bibliographical paper on early printed books relating to the New England Indians, by Dr. Justin Winsor; and an account by Mr. John T. Hassam of the confiscated estates of the Boston Loyalists. The volume also includes memoirs of the late Dr. George E. Ellis, by Rev. Octavius B. Frothingham, and of Mr. Frothingham, by Mr. J. P. Quincy. Highly interesting portions of the volume are those which relate to the financial condition of the society, and its plans for the erection of a new building upon a more convenient site.

A volume of so similar character to this as to be naturally reviewed in the next paragraph is the first volume of the *Transactions of the Colonial Society of Massachusetts* (pp. xx, 525), containing the records of the meetings of this new society during the years 1892, 1893, and 1894. It is the intention of the society to avoid the confusion which usually arises between the "Collections" and "Proceedings" of historical societies, by arranging its publications in alternate volumes, composed of "Transactions" and of "Collections" respectively. According to this convenient plan, the present volume constitutes Vol. I. of the *Transactions* of this society, while Volume II. will be a volume of *Collections*, consisting of a complete series of the royal commissions and instructions issued to the governors of the province of Massachusetts Bay. The present volume, admirable in typography and in index, contains several interesting documents. Of the papers which have been read before the society and are here printed, the most interesting are Mr. Andrew McFarland Davis's careful review of the work of the various historical societies of Massachusetts, some fifty in number; that of Mr. Abner C. Goodell, Jr., on the case of John Saffin and his slave Adam; that of Mr. Davis on corporations in the colonial period; Mr. Edward Wheelwright's memoir of Francis Parkman, and Mr. Lindsay Swift's treatise on the Massachusetts election sermons. The main object of the Colonial Society is understood to be the historical commemoration of the deeds of the men of colonial Massachusetts, of whose descendants the new organization is composed. That there is room for it, side by side with the Massachusetts Historical Society, and that its work is likely to be of permanent value, the present volume seems to indicate. It proposes to confine its activities to a more restricted field; the quality and interest of its performance seems at present not inferior.

The Directors of the Old South Work, at Boston, have made up a third volume of their *Old South Leaflets*, nos. 51 to 75. The leaflets, excellent as illustrations of the lectures which they were originally in-

tended to accompany, seem miscellaneous when collected in a volume ; but they are mostly important and all well edited. Of the public documents embraced in the present series, the chief are : The Monroe Declaration of 1823, Cromwell's Second Speech, Winthrop's " Little Speech " on Liberty, the Debate in the Convention of 1787 on the Suffrage in Congress, the Dutch Declaration of Independence of 1581, and Hamilton's Report on the Coinage, 1791. Among other interesting reprints are : Thomas Hooker's " Way of the Churches of New England ; " Milton's " Free Commonwealth ; " Adrian van der Donck's Description of New Netherland in 1655; Columbus' Memorial to Ferdinand and Isabella on his Second Voyage, and Penn's Plan for the Peace of Europe. It is a pity, the interests of young readers being had in view, that parts of these pieces are printed in a smaller type than has hitherto been used.

Mr. George F. Bowerman's *Selected Bibliography of the Religious Denominations of the United States* (New York, Cathedral Library Association, pp. 94) contains in its first sixty pages a useful and unpretending list of books, arranged in alphabetical order by denominations, and under each denomination by the following rubrics : Bibliography, History, Doctrines, Periodicals, Year-books. The book disarms criticism by professing to be no more than a selection; on the whole, the selection appears to have been well advised. The position of the Catholic Church, as a universal church whose American literature does not relate to an organic ecclesiastical unit, has led the author to append a special bibliography of that church by a clerical friend. This was a mistake, we think. Since all the lists embrace only a selection in each case, a Catholic list relating only to America would not on that account seem, by comparison, incomplete ; and the list which is here appended is far from first-rate.

Mrs. Martha Bockée Flint's *Early Long Island: a Colonial Study* (Putnam, pp. 549), is an excellent and well-written contribution to local history. The author has far more of general scholarship than is usually found exhibited in books of American local history, though she commits not a few of those blunders in respect to Dutch which we always expect in books on early New York, especially in the perpetual insertion of ' *T* ' before place-names, whether the noun be neuter or feminine. Equally inevitable in books on New Netherland is the statement that the Dutch West India Company was directed by its charter to populate that colony. This apparently immortal error is derived, by a long genealogy of copyists, from a mistranslation by Ebenezer Hazard in 1798. But almost everywhere Mrs. Flint's book rests on her own researches, and they have been extensive and well conducted. First come chapters on the early voyages and explorations, on the island in its physical aspects, on the Long Island Indians and on the place-names. Then in successive chapters the author treats, in interesting and solid narrative, the history of the island from the Dutch period to the close of the Revolution. The arrangement is not always simple. Appendices contain



several documents interesting to the history of the Revolution and especially of the Loyalists, to whom the author devotes two or three particularly valuable chapters.

Mr. William Wallace Tooker, learned in Indian languages, in his little book called *John Eliot's First Indian Teacher and Interpreter, Cockenoe-de-Long Island* (New York, Francis P. Harper, pp. 60) endeavors, with success in spite of a considerable element of conjecture, to identify the young Indian captive of whom John Eliot speaks as having been his first teacher in the Indian tongue with a certain Long Island Indian named Cheekanoo or Checkanoe or, in one document, Cockenoe-de-Long Island; and secondly, to trace the history of this Indian, as interpreter, surveyor and envoy, under various distortions of name, from the time when, a captive in the Pequot fight, he came into Eliot's neighborhood, till the time of his old age. The little monograph not only exhibits a careful and scholarly investigation, but furnishes interesting reading. There are two plates.

Under the title *Mary Dyer of Rhode Island, the Quaker Martyr that was Hanged on Boston Common, June 1, 1660* (Providence, Preston and Rounds), Judge Horatio Rogers, of the Rhode Island Supreme Court, prints, in a small book of 115 pages, an address which he gave before the Historical Society of that state during his term of office as its president. The story is told with skill and with a deep feeling of its pathos, but without pretension of casting new light upon it. The letters which passed between the Commissioners of the United Colonies of New England and the authorities of Rhode Island concerning the Quakers, and those of Mary Dyer to the court after sentence and of her husband to Endicott are printed in the appendix.

The life of Mrs. Madison cannot easily be made anything else than a chronicle of small beer. She was good, genial, tactful, affectionate and vivacious, but she was neither very clever nor connected in an important sense with great events. Mrs. Maud Wilder Goodwin, in her little volume entitled *Dolly Madison* (Scribner, pp. 287) in the series "Women of Colonial and Revolutionary Times," has perhaps done all that could be done to make the biography a contribution to history. She has aimed, she says, "to present in this volume less a formal biography than a sketch of the social and domestic life of the epoch as it affected Dolly Madison." She has made a careful and pleasing book. The story (p. 261) that in the days when Mrs. Madison inhabited the White House ladies were not admitted to the galleries of the House of Representatives, but that that ungallant exclusion was broken down subsequently by Fisher Ames, can hardly be true.

A book of more interest and value is Mrs. Harriott Horry Ravenel's *Eliza Pinckney*, in the same series (Scribner, pp. 331). We know far

less of colonial South Carolina than of the society in which Mrs. Madison was a central figure, and Eliza Pinckney, wife and widow of Chief Justice Pinckney, was a highly remarkable woman, and has left a record of her life, of quite unusual completeness, in the elaborate letter-book which has by miracle survived to our times. Some of these letters were, we believe, printed a half century ago, but in so extremely small a number of copies that the collection is practically manuscript. This series of letters extends from 1739 to 1786. It opens with the business memorandum which a girl of sixteen, already manager of three plantations, sends from Carolina to her father in Antigua. The ensuing letters not only cast a flood of light on the social and domestic history of the colony, but reveal a most interesting personality, a colonial girl of excellent sense, industry, studiousness, and capacity for business, whose letters are engaging, and even at times amusing, in spite of their old-fashioned formality. Her brief married life was mostly spent in England. Returning in 1758, she lived a widow till 1793, active in business and correspondence, especially in the interest of her daughter and her sons, the distinguished Generals Charles Cotesworth Pinckney and Thomas Pinckney. Her self-reliance and firmness of character were invaluable to them in the crisis of the Revolution; but not less characteristic was the self-restraint which marked her attitude toward them at the outbreak of the struggle; she "had prayed to God to guide them aright, but she gave no advice and attempted no influence; for that having done her best while they were boys to make them wise and good men, she now thankfully acknowledged that they surpassed her in wisdom as in stature." Mrs. Ravenel's own portions of the book are written with adequate historical knowledge, with intelligence and sobriety, and with a marked distinction of style.

Mr. David Meade Massie justly remarks, in the preface to his *Nathaniel Massie, a Pioneer of Ohio* (Cincinnati, Robert Clarke Co., pp. 285) that we are much better provided with the means of understanding the thoughts and actions of Governor St. Clair and his party, of the New England men and Federalists of the Northwest Territory and the state of Ohio, than with information regarding their opponents. The story of the former is known through Burnet's *Notes*, the *St. Clair Papers* and Cutler's *Memoirs*. That of the latter, of the Republicans, of the leaders in the Virginia Military District, has hardly been exploited at all. The book before us is certainly a contribution of high importance toward filling up this gap. Mr. Massie has inherited from his grandfather a large mass of papers which show the inner life of the Republican party in the territory and in the first days of the state. He first prints a sketch of the life of Nathaniel Massie, who, with Thomas Worthington and Charles Willing Byrd, led that party. The sketch is written with fairness and with full appreciation of the aims of both sides, and is enlivened with recitals of border adventure taken from McDonald and other sources. The remainder of the book, more than half of it, is occupied

with a selection of the letters of and to Massie still extant. They are arranged in chronological order. Probably the book would have gained if they had been inserted in the narrative instead of being printed as a separate body. However this may be, they are of great interest and importance, both those that relate to land-business and those that relate to politics. Only a few have ever been printed before. The collection includes twenty-three letters of Governor Worthington, fifteen of General Massie, thirteen of Judge Byrd, and smaller numbers of St. Clair, Wilkinson, Meigs, Symmes, Harrison and others. The letters are apparently printed with literal exactness. A map of Ohio, showing the chief land-purchases and reservations, is appended.

Gen. A. W. Greely's *Handbook of Arctic Discoveries*, in the "Columbian Knowledge Series" (Boston, Roberts Brothers, pp. 257), is decidedly a *tour de force*. Its small pages are packed with information relating, in successive chapters, to each particular geographical field of Arctic exploration. Yet, though congestion is extreme in some parts, the book is in general readable. It succeeds in its chief attempt, to sum up results in an intelligible manner. Excellent bibliographies accompany the chapters, and there are eleven maps, good in plan, though not well printed.

Dr. J. George Hodgins, Historiographer to the Education Department of Ontario, has now printed (Toronto, the Department, pp. 330) a third volume of his *Documentary History of Education in Upper Canada*, a work designed to extend from 1791 to 1876. This volume covers only the years 1836-1840, and completes the compiler's record of the educational proceedings of the legislature of Upper Canada as a separate and independent province. The volume also includes a record of the proceedings of the General Board of Education of Upper Canada from 1823 to its extinction in 1833, and of the Council of King's College, 1828-1840. Among the more interesting of the matters embraced in the main series are the discussions on the right of a colonial legislature to alter or amend a royal charter.

## NOTES AND NEWS.

The twelfth annual meeting of the American Historical Association was held in New York, chiefly in the rooms of Columbia University, on December 29, 30 and 31. An inaugural address was read by the president of the Association, Dr. Richard S. Storrs, and receptions were given by President and Mrs. Low and Mrs. C. W. Bowen. The programme indicated an effort to avoid congestion in the proceedings and to promote discussion of at least certain papers. A conference upon the teaching of history was upon the list. The members joined in a luncheon on one of the three days, and those most interested in preparing students of American history for the doctor's degree met and conferred upon the possibilities of common action in that field.

The Historical Manuscripts Commission appointed by the Association a year ago reported a considerable amount of preliminary work accomplished. Carefully prepared circulars have been sent out to libraries and societies and to many individuals, explaining the objects of the Commission and making inquiries on its behalf as to manuscript historical materials in their hands. Numerous replies have been received upon the Commission's blanks, and the beginning has been made of a thorough knowledge of the American historical manuscripts in private possession. The Commission presented with its report a full and detailed bibliography or list of guides to the contents of American archives or other collections of unprinted historical materials, and of less formal descriptions of the same. It has also prepared a first volume of documentary matter, drawn from the various quarters represented in the Commission and adapted to serve as a specimen of the work which it intends to do in respect to publication. It has obtained from the English Public Record Office a series of copies of the letters addressed to the Foreign Office by Phineas Bond, British consul at Philadelphia from 1787 to 1812, letters affording important information respecting American trade and public affairs. It has also prepared for publication a series of documents exhibiting the history of a pro-French plot in the English colonies at the outbreak of the French and Indian War; a collection of the letters of Stephen Higginson, showing the political action and thought of the high Federalists of the Essex Junto during an important period; a selection from the correspondence of Mahlon and Philemon Dickerson, illustrating New Jersey politics during the first half of the present century; a portion of the journal of Edward Hooker, casting a great amount of light on the legislation and politics of South Caro-



lina in the years from 1805 to 1808; and the Genet-Clark correspondence, showing the relations between Gen. George Rogers Clark and the French revolutionary government and the intrigues of France and Spain in the West. The Commission will be glad to learn the names of persons, especially possessors of historical manuscripts, to whom its circulars may appropriately be sent. Letters may be addressed to its chairman, Professor J. Franklin Jameson, 196 Bowen Street, Providence, R. I.

The Seth Low Professorship of History in Columbia University has been filled by the election of Professor William M. Sloane, now of Princeton. Professor Sloane has recently sailed to Europe upon business connected with the preparation of a European edition of his *Life of Napoleon*.

Professor H. von Holst, who was in a very critical condition for several months, is now convalescent and is spending the winter in Naples. His leave of absence has been extended until April next. Dr. Frederic Bancroft, of Washington, is to lecture in his place at the University of Chicago during the winter term.

General Iung, noted for his *Lucien Bonaparte et ses Mémoires* (1882-3) and his *Dubois-Crancé* (1885) and for his hostile *Bonaparte et son Temps* (1880), died on October 3, aged sixty-three.

Professor Clement L. Smith of Harvard University is to be director of the American School of Classical Studies in Rome during the year 1897-1898.

The three volumes of the *Harvard Historical Studies* (Longmans) announced in our last number, have now appeared. It is announced that the three volumes for 1897 will be the following: A Bibliography of British Municipal History, by Professor Charles Gross; The Liberty and Free Soil Parties in the Northwest, by Dr. Theodore C. Smith; Nominations for Elective Office in the United States, by Frederick W. Dalinger, A. M.

The *Historical Atlas of Modern Europe*, edited by Dr. Reginald Lane Poole, of Oxford, has now begun to appear (Clarendon Press). Part I. contains three maps, clearly and handsomely engraved: one of Europe, 395 to 527 A. D., by Professor Bury of Dublin; one of Roman Britain, by F. Haverfield, of Christ Church, Oxford; one of the Swiss Confederation, by the Rev. W. A. B. Coolidge, of Magdalen. Part II. contains a map showing the ecclesiastical divisions of England *temp.* Edw. I., by C. Oman; a map of Ireland prior to the Anglo-Norman occupation, by G. H. Orpen; and one of France under the Ancien Régime, by Walter E. Rhodes. The maps have been designed, and the explanatory letter-press, admirable in clearness and conciseness, has been written by the scholars named. The maps are drawn and printed by W. and A. K. Johnston, of Edinburgh. The *Atlas* will be issued in thirty monthly parts, at 3s. 6d. Among the maps announced as to appear in the next

three parts may be noted one showing the parliamentary representation in England before 1832; and others exhibiting England, Scotland, Ireland and France in different periods.

The Library of Yale University has been presented with the library of the late Ernst Curtius, and with the Scandinavian portion (5600 volumes and 16,000 pamphlets) of that of the late Count de Riant.

The Belgian Commission Royale d'Histoire has issued in separate form a pamphlet of *Instructions pour la Publication des Textes Historiques*. A similar series of rules has been printed by the Historisch Genootschap of Utrecht.

Professor E. G. Bourne presents, in the November number of the *Educational Review*, an article on Ranke and the Beginning of the Seminary Method in History.

#### ANCIENT HISTORY.

The results of the Babylonian expedition of the University of Pennsylvania are set forth in recent numbers of the *American Journal of Archaeology* by Dr. John P. Peters; in a chapter in Hilprecht's *Recent Research in Bible Lands*; and in an article *Zur ältesten Geschichte der Semiten* by F. Hommel in Heft 7 of the *Neue Kirchliche Zeitschrift* for 1896.

The Society for the promotion of Christian Knowledge publish *The Struggle of the Nations—Egypt, Syria and Assyria*, by Professor G. Maspero, translated by M. L. McClure, and edited by Professor Sayce. It is a companion volume to the *Dawn of Civilization*, and contains the history of the ancient peoples of the East from the fourteenth Egyptian dynasty to the end of the period of the Rameses.

A complete transcription of the Tell-el-Amarna letters by Hugo Winckler, with English translation, notes, index and glossary, is sold by Messrs. Lemcke and Buechner, of New York (Berlin, Reuther und Reichard, pp. 465).

Announcement is made of the inauguration of a new review of ancient history and classical archæology, to be published at Naples, under the editorial charge of Professor Francesco P. Garofalo. It is to be entitled *Rivista Bimestrale di Antichità Greche e Romane*.

The leading article in the *Revue Internationale des Archives, des Bibliothèques et des Musées* (Musées No. 2-3) is a historical account, by M. Salomon Reinach, of the formation of the museums of Athens.

Professor George Helmreich's *Jahresbericht über Tacitus, 1892-1895*, reprinted from the *Jahresberichte über die Fortschritte der classischen Altertumswissenschaft*, may be separately obtained (Berlin, S. Calvary and Co., 62 pp.).

Dr. Adolf Schulten, in his *Die römischen Grundherrschaften; eine agrarhistorische Untersuchung* (Weimar, E. Felber, pp. 148) subjects to

critical examination the whole body of material, inscriptional and other, for the history of the *latifundia*, especially in the province for which information is most complete, that of Africa.

In the *Revue Archéologique* for July–August is a review of epigraphical publications relating to ancient Roman history, by R. Cagnat.

A prison chaplain in Baden, Rev. F. A. K. Krausz, has illustrated with learning and originality an interesting phase of social history in a book entitled *Im Kerker vor und nach Christus* (Leipzig, Paul Siebeck, pp. 380).

Noteworthy articles in periodicals: C. C. Torrey, *The Composition and Historical Value of Ezra-Nehemiah* (Zeitschrift für die alttestamentliche Wissenschaft, Beiheft II.); J. Gennadius, *Recent Excavations in Greece: The Sanctuary of Apollo* (Forum, November); G. Maspero, *Comment Alexandre devint Dieu en Égypte* (Annuaire de l'École Pratique des Hautes Études, 1897); *Cicero's Case against Caesar* (Quarterly Review, October); F. Vogel, *Cæsar's zweite Feldzug in Britannien* (Neue Jahrbücher für Philologie, CLIII, 3–4); Kornemann, *Asinius Pollio als Geschichtschreiber* (Jahrbücher für classische Philologie, Suppl. XXII, 2, pp. 134); H. F. Pelham, *Arrian as Legate of Cappadocia* (English Historical Review, October); Otto Seeck, *Die Schatzungsordnung Diocletians* (Zeitschrift für Social- und Wirthschaftsgeschichte, 1896, III–IV); O. Seeck, *Die Entstehung des Indictionencyclus* (Deutsche Zeitschrift für die Geschichtswissenschaft, XII, 2).

#### EARLY CHURCH HISTORY.

Professor Adolf Harnack's latest publication is a volume entitled *Die Chronologie der altchristlichen Litteratur bis Eusebius* (Leipzig, J. C. Hinrichs).

The late Archbishop of Canterbury had just before his death finished the correction of the proofs of a work on the times of Cyprian, bishop of Carthage. It will be printed shortly by the Macmillan Co.

Noteworthy articles in periodicals: F. Schaefer, *The Acts of Apollonius*, Catholic University Bulletin, October); P. Allard, *Vicissitudes de la Condition Juridique de l'Église au III<sup>e</sup> Siècle* (Revue des Questions Historiques, October).

#### MEDIEVAL HISTORY.

Lieut. Col. Condor, so long occupied with the survey of western Palestine, is preparing an elaborate book on the *Latin Kingdom of Jerusalem*, to be published by the Palestine Exploration Fund. It is intended to embody not only the results of research in the Christian and Mohammedan chronicles, but also those of the survey.

The Institut Lazareff, of Moscow, will give in 1898 a prize of 700 rubles for the best work on the Armenians at Constantinople in the time of

the Crusades. Competitors must hand in their productions before the first of January, 1898.

Noteworthy articles in periodicals: L. Goetz, *Studien zur Geschichte des Bussakraments*, II. (Zeitschrift für Kirchengeschichte, XVI, 4); Ch. de la Roncière, *Le Blocus Continental de l'Angleterre sous Philippe le Bel* (Revue des Questions Historiques, October).

#### MODERN EUROPEAN HISTORY.

In the series *Heroes of the Reformation*, edited by Rev. Dr. Samuel Macauley Jackson, there are to appear, besides the volumes mentioned in our last issue, one upon John Calvin by Dr. Williston Walker, and one upon Theodore Beza by Dr. Henry M. Baird. A volume on John Knox is also to be expected.

The forthcoming issues in the series *Stories of the Nations* are to be volumes on the Balkans, by Mr. W. Miller; on British India, by Mr. R. W. Fraser; on modern France, by M. André Lebon; and on Canada, by Dr. J. G. Bourinot.

The Hakluyt Society will issue as its two volumes for 1896, Azara's *Chronicle of the Conquest of Guinea*, translated from the Portuguese, and a volume of *Danish Arctic Voyages* of the beginning of the 17th Century. Mr. Everard im Thurn, noted for his explorations in British Guiana, as Sir Robert Schomburgk was fifty years ago, has undertaken to prepare for the society a new edition of Sir Walter Raleigh's *Discoverie of the Empire of Guiana*, which Schomburgk edited for the Society in 1850.

M. Alfred Baraudon, in his *La Maison de Savoie et la Triple Alliance*, (Paris, Plon) offers an important contribution, based on materials in French archives, to the history of European politics in the years from 1713 to 1722.

Professor Hermann Hüffer has expanded into a book, *Der Rasttater Gesandtenmord* (Bonn, Rohrscheid und Ebbecke) his *Rundschau* article of 1895, and fortified his conclusions with many pertinent documents, drawn especially from the archives of the late Archduke Albert of Austria.

Noteworthy articles in periodicals: M. Reich, *Erasmus, sein Leben und Briefwechsel 1509-1518* (Westdeutsche Zeitschrift für Geschichte, 1896, Ergänzungsheft 9, pp. 159); M. A. S. Hume, *Philip II. in his Domestic Relations* (Fortnightly, October); B. H. Baden-Powell, *The Origin of Zamindari Estates in Bengal* (Quarterly Journal of Economics, October); L. Thouvenel, *Constantinople pendant la Guerre de Crimée* (Revue de Paris, June 15).

#### GREAT BRITAIN AND IRELAND.

Negotiations for a union between the Royal Historical Society and the Camden Society have resulted in votes whereby the latter is absorbed in the former. With increased resources, the society will now expect to

publish annually two or three volumes of *Publications* as well as its annual volume of *Transactions*. The publications immediately in prospect are Vol. X. of the *Transactions*; the *Domesday of Enclosures and an Inquisition of 1517*, edited by Mr. I. S. Leadam; *Papers relating to the Catholics under Elizabeth*, edited by Mr. T. G. Law, and Vol. III. of the *Nicholas papers*, edited by Mr. G. F. Warner. Among the papers announced to be read during the present year we note one by Professor York Powell on an "École des Chartes" for English historical students, and others by Mr. Oscar Browning, on the Convention of Pillnitz, by Mr. W. J. Corbett on the Survey of a Norfolk Village in the reign of Elizabeth, and by Rev. J. N. Figgis on some political theories of the earlier Jesuits.

A fifth edition of Bishop Stubbs's *Constitutional History of England* has just been completed by the publication of Vol. III. (London, Frowde).

The first Ford's lecturer in English history at Oxford is Mr. Samuel Rawson Gardiner, who has recently given six lectures upon "Cromwell's Place in History," dealing with his foreign and domestic policy.

Among the season's announcements on the part of the Cambridge University Press have been the following: *The Domesday Book and Beyond, Essays in Early English History*, by Professor F. W. Maitland; *Brevia Placitata*, a thirteenth-century collection, in French, of precedents for pleading in the King's courts, edited by G. I. Turner; *The Economical Works of Sir William Petty*, edited by Professor Charles H. Hull of Cornell University; *The Foundation of the German Empire*, by J. W. Headlam; *Italy from 1815 to 1871*, by W. J. Stillman; *The Life and Miracles of St. William of Norwich*, by Thomas Monemutensis, edited by Drs. Augustus Jessopp and M. R. James; the third volume of *The Archives of the London Dutch Church*, edited by J. H. Hessels; *The Triumphs of Turlogh*, edited and translated by Dr. Standish H. O'Grady.

Mr. Walter Rye has nearly ready a second edition, considerably enlarged, of his *Records and Record Searching*.

The Corporation of Northampton will publish by subscription two volumes of *The Records of the Borough of Northampton*, edited by Mr. Christopher A. Markham and the Rev. J. C. Cox.

The late Dr. David Laing bequeathed to the library of the University of Edinburgh a large and valuable collection of charters particularly relating to Scotland, upon the condition that a catalogue of them should be printed. The charters number more than 3000, the earliest being one by Ethelwulf in A. D. 854. The University has prepared an elaborate calendar of them, including full abstracts of their contents and the names of all persons and lands mentioned. An index nominum and an index locorum are to be added. The University, being unable to issue the work by its own resources, ask for subscriptions to the volume—a large volume of about 820 pages—at one guinea for each copy.

Volume III, No. 5, of the *Translations and Reprints from the Original Sources of European History*, published by the University of Pennsylvania, contains nine English manorial documents, edited by Professor Edward P. Cheyney.

Dr. C. Horstman has brought out a second volume (London, Sonnenschein; New York, The Macmillan Co., pp. 502) of his edition of the writings of Richard Rolle of Hampole, the importance of which to the study of the mediæval religious life of England has been generally recognized.

Under the somewhat blind title *Le Cotton Manuscrit Galba B. I.* (Brussels, Hayez, pp. 671), Mr. Edward Scott, of the manuscript department of the British Museum, and M. Gilliodts van Severen, of the archives of Bruges, have brought out an interesting series of 188 documents important to the history of the relations between England and Flanders in 1404 and 1405. The Flemish collaborator has added a certain number of documents bearing upon the same subject, drawn from his own archives.

The archives of the Electoral Foreign Office at Hanover are being investigated for historical purposes by a Cambridge scholar, Mr. R. P. Mahaffy, with a subvention from a University fund.

Adam Smith's *Lectures on Justice, Police, Revenue and Arms*, reported in 1763 by a student at the University of Glasgow, and now edited with an introduction and notes by Mr. Edward Cannan, show in effect the first draft of the *Wealth of Nations*, explain its genesis and set at rest the controversy as to Adam Smith's relations to the physiocrats.

Capt. A. T. Mahan has completed his *Life of Nelson*, which may be expected to be issued this spring in two volumes.

The letters of the Duke of Wellington to Lord Hill, numbering 247, were lately purchased by the British Museum at the auction of the autograph letters and documents belonging to the late Viscount Hill.

Volume VI. of Traill's *Social England*, extending from Waterloo to the general election of 1885 and completing the work, has now been published (Cassell and Co.).

The publishing house of John Murray announces the *Letters of Frederick, Lord Blackford, Under Secretary of State for the Colonies, 1860-1871*, edited by G. E. Marindin.

The Irish Literary Society intends to bring out a work on the authorities for the history of Ireland, on the same general plan as that of Gardiner and Mullinger's *Introduction to English History*. It is intended to include the contemporary documents, the later authors who had access to trustworthy sources and the chief modern authors, and to devote special attention to such authorities as are still unpublished or not easily accessible.

Messrs. Sampson Low, Marston and Co. have just brought out the first volume (1602-1613) of the series of *Letters received by the East India Company from its Servants in the East*, with an introduction by Mr. F. C. Danvers, a record publication which we have heretofore announced (I. 777). The subscription is eight guineas for the set of ten volumes covering the years from 1602 to 1619. The Madras government intends to continue its printing of the Consultation Books or official diaries of the government for the seventeenth century and to issue an English translation of the extensive journal, kept in Tamil, of Runga Pillay, confidential agent of Dupleix while he was at the head of the French affairs in India. This diary will be edited, with a historical introduction, by Mr. Forrest, Director of Records.

Mr. B. H. Baden-Powell, formerly Judge of the Chief Court in the Punjab, and author of three volumes on the *Land Systems of British India*, has published, through Messrs. Longmans and Co., a book on *The Indian Village Community*, examined with reference to the physical, ethnological and historical conditions of the several provinces, chiefly on the basis of the Revenue Settlement Records and District Manuals.

Noteworthy articles in periodicals: L. Knappert, *Le Christianisme et le Paganisme dans l'Histoire Ecclésiastique de Bède le Vénérable* (Revue de l'Histoire des Religions, July-August); F. Liebermann, *Die englische Gilde im achten Jahrhundert* (Archiv für das Studium der neueren Sprachen und Litteraturen, 1896, 3-4); F. Liebermann, *Peter's Pence and the Population of England about 1164* (English Historical Review, October); F. W. Maitland, *Canon Law in England*, II. (English Historical Review, October); E. D. Morris, *The Jerusalem Chamber* (Presbyterian and Reformed Review, October); James Gairdner, *New Lights on the Divorce of Henry VIII.*, I. (English Historical Review, October); *Lady Arabella Stuart and the Venetian Archives* (Edinburgh Review, October); H. C. Foxcroft, *The Works of George Savile, First Marquis of Halifax* (English Historical Review, October); *The Dropmore Papers* (Edinburgh Review, October).

#### FRANCE.

The first fascicule of vol. III. of the *Bibliographie des Travaux Historiques et Archéologiques publiés par les Sociétés Savantes de la France* has just been published. It makes a beginning with the societies of which the headquarters are at Paris.

In the *Mémoires Couronnés de l'Académie de Belgique*, Vol. XLIX (Brussels, Hayez) M. Louis Tierenteyn has published an important monograph entitled *Sur la Position des Comtes dans le Royaume Franc depuis Clovis jusqu' au Traité de Verdun* (151 pp.).

The Société Académique of St. Quentin has published a magnificent volume in commemoration of the battle fought near that town. It is called *La Guerre de 1557 en Picardie: Bataille de St. Laurent, Siège*

*de St. Quentin, Prises du Catelet, de Ham, de Chaunoy et de Noyon* (ccxxix, 439 pp). About one-third of the volume consists of monographs relating to the battle or the campaign, by members of the society; the other two-thirds is made up of 135 documents from the archives at Simancas, and from those of France, Belgium, etc.

M. E. Fournol's *Bodin, Précurseur de Montesquieu* (Paris, A. Rousseau) presents, besides what its title implies, an important general study of Bodin, and of his relations to Rousseau as well as to Montesquieu.

MM. Hachette have published the twelfth volume of M. de Boislisle's monumental edition of the *Mémoires de Saint-Simon* (683 pp.). The new volume is devoted to the year 1704 and the first months of 1705.

Mgr. de Salamon's *Memoirs during the Revolution*, memoirs of one who was internuncio at Paris from 1790 to 1801, recently discovered and published in France, are now issued in an English translation by Messrs. Little, Brown and Co., with a preface, introduction, notes and documents by Abbé Bridier.

About half of Professor W. M. Sloane's *Life of Napoleon Bonaparte* is now ready. The complete work will consist of 22 parts, each containing 48 pages of text and 14 full-page illustrations, beside maps and lesser drawings prepared to illustrate campaigns and battles. Of the 14 larger pictures in each part, four are *typographies* or reproductions of paintings in the original colors, four are in tint, and six are products of wood-engraving and process work in black and white. The publishers are the Century Co. Our notice of the work will be deferred until publication is complete.

Noteworthy articles in periodicals: L. Batiffol, *Le Châtelet de Paris vers 1400*, cont. (*Revue Historique*, November); G. Fagniez, *L'Opinion Publique et la Polémique au temps de Richelieu* (*Revue des Questions Historiques*, October); E. Lavissee, *Colbert Intendant de Mazarin* (*Revue de Paris*, September 1); *Napoleon III.* (*Edinburgh Review*, October); E. Lamy, *Le Gouvernement de la Défense Nationale* (*Revue des Deux Mondes*, June 15; July 15).

#### ITALY, SPAIN, PORTUGAL.

Fratelli Bocca of Milan furnish an index-volume (viii, 638 pp.) to the first twenty years, 1874 to 1893, of the *Archivio Storico Lombardo*.

Messrs. Archibald Constable and Co. are to publish a volume of selections from the *Chronicle of Villani*, edited by the Rev. Philip H. Wicksteed, whose aim has been especially to select those passages that throw most light upon the *Divina Commedia*.

The publishers of the *Lettere e Documenti del Barone Bettino Ricasoli* have brought out an elaborate and complete index to the ten volumes, similar to that which has been added to Chiala's edition of the letters of Cavour.



The Academia de la Historia has finished the printing of its new edition of the *Lex Romana Visigothorum*, after the palimpsest of the cathedral of Leon, with an introduction by Señores Cárdenas and Fita.

In the series of *Sozialgeschichtliche Forschungen* published as a supplement to the *Zeitschrift für Social- und Wirthschaftsgeschichte*, the first issue is a small book by Dr. K. Häbler, *Die Geschichte der Fugger'schen Handlung in Spanien* (Weimar, E. Felber, pp. 237).

The commemoration of the voyage of Vasco da Gama ("Centenario da India"), of which we have heretofore spoken, has been deferred, by the committee and the Portuguese government, to May, 1898.

Senhor H. da Gama Barros has published the second volume of his important *Historia da Administração Publica em Portugal nos Seculos XII à XV* (Lisbon, 1896, 413 pp.).

Noteworthy articles in periodicals: Wentworth Webster, *Ignatius Loyola as a Basque* (Academy, October 3); A. Baudrillart, *L'Influence Française en Espagne au temps de Louis I<sup>er</sup>*; *Mission du Maréchal de Tessé, 1724* (Revue des Questions Historiques, October); G. Desdevises du Dezert, *Le Régime Foral en Espagne au dix-huitième Siècle* (Revue Historique, November).

#### GERMANY, AUSTRIA, SWITZERLAND.

At the fourth Versammlung deutscher Historiker, which took place at Innsbruck on September 11-14, the chief matters discussed were: The facilitating of the use of archives, the recent tendencies toward economic and social history, the possibilities of coöperation between German universities in historical work, and the systematization of documentary publications.

We mentioned in our last number the series of monographs which, under the title of *Historische Bibliothek*, the editors of the *Historische Zeitschrift* have resolved to issue. The first of these has now appeared, a monograph on the earlier life of the late editor of the review, by Th. Schieman, *Heinrich von Treitschke's Lehr- und Wanderjahre, 1834-1866* (Munich, R. Oldenbourg, pp. 270). An article on Treitschke, by P. Bailleu, accompanied by letters of Treitschke to Freytag, Bismarck, etc., appeared in the *Deutsche Rundschau* for October.

The Historical Commission connected with the Bavarian Academy has published, in the series *Chroniken der deutschen Städte*, and in the division *Die Chroniken der schwäbischen Städte*, the fifth volume of the chronicles of Augsburg (Leipzig, S. Hirzel, 459 pp.).

The Prussian Institute has now published the first volume of its part of the *Repertorium Germanicum*; *Regesten aus den päpstlichen Archiven zur Geschichte des Deutschen Reiches und seiner Territorien*, namely, Vol. I. of the series for the pontificate of Eugenius IV., edited by R. Arnold (Berlin, A. Bath). The work of the institute, especially in the publi-

cation of the *Nuntiaturreichichte*, is reviewed and described by Max Lenz in the *Deutsche Rundschau* for last April.

Professor Georg Kaufmann of Breslau has just published the second volume of his important *Geschichte der deutschen Universitäten*, continuing their history to the close of the Middle Ages (Stuttgart, Cotta, pp. 587).

In Heft 3, 1896, of the *Zeitschrift für deutsches Alterthum* Dr. Heyne has a general review of recent publications concerning the history of studies and students' language in Germany.

The Fürstlich Jablonowski'sche Gesellschaft, of Leipzig, offers a prize of three thousand marks for the best history of the Hansa from the peace of Stralsund (1370) to that of Utrecht (1474). The prize is to be awarded in 1900.

The fifth volume of Karl Lamprecht's *Deutsche Geschichte* is reviewed, in an article of 63 pages, by Max Lenz in the *Historische Zeitschrift*, LXXVII. 3.

In the *Mittheilungen des Vereins für Geschichte der Deutschen in Böhmen*, XXXIV. 3, Dr. Löwe continues a review of publications relating to Wallenstein, 1884-1895.

Dr. Martin Philippson has published the first volume (1640-1660) of a work entitled *Der Grosse Kurfürst Friedrich Wilhelm von Brandenburg* (Berlin, S. Cronbach, pp. 452).

The historical section of the archives of the Department of War at Vienna has undertaken the publication of a very extensive documentary history of the wars of Maria Theresa, beginning with a history of the War of the Austrian Succession, *Österreichischer Erbfolgekrieg, 1740-1748, von der kriegsgeschichtlichen Abtheilung des k. k. Kriegsarchivs*. The first volume, which has just appeared (Vienna, Seidel, pp. 1125) is in name merely an introduction, but it constitutes a scholarly, impartial and thorough exposition of the political, administrative and military condition of Austria and Hungary in 1740, written by the most competent specialists, Marczali, Adolf Beer, Kienast, etc.

In continuation of the list of publications in the Lehmann controversy over the origin of the Seven Years' War given in our April number (I., 591, 592) we may now add the mention of: Adolf Beer, *Mittheilungen des Instituts für österreichische Geschichtsforschung*, XVII. 1; E. Marcks, *Allgemeine Zeitung*, 1896. nos. 92, 93, 94; K. Th. Heigel, *Deutsche Zeitschrift für Geschichtswissenschaft. Monatsblätter*, April, May; Julius Franz, *Grenzboten*, 1896. nos. 27, 28, and a second article (of more than 200 pages) by Alfred Naudé, in *Forschungen zur brandenburgischen und preussischen Geschichte*, IX.

*Allemagne de 1789 à 1810*, by E. Denis (Paris, May et Motteroz), is recommended as a general work of the highest excellence.

Dr. Friedrich Meinecke, archivist at Berlin, has made an important contribution to Prussian history by publishing the first volume of a *Leben des Generalfeldmarschalls Hermann von Boyen* (Stuttgart, Cotta); for Boyen was the creator of the Prussian army organization of 1814.

Professor Ottokar Lorenz has published a collection of his essays under the title *Staatsmänner und Geschichtschreiber des 19. Jahrhunderts; Ausgewählte Bilder* (Berlin, Besser, pp. 360).

Colonel von Lettow-Vorbeck has written a *Geschichte des Kriegs von 1866 in Deutschland*, which will form three volumes. The first, Gastein to Langensalza, with illustrative maps, plans and sketches, has just been published by E. S. Mittler and Sohn of Berlin. The second and third volumes will appear in 1897 and 1898 respectively.

Dändliker's *History of Switzerland* is to appear in an English translation, published by Messrs. Swan, Sonnenschein and Co.

Professor E. Blösch, librarian of the city of Bern, has published a complete catalogue of its manuscripts relating to the history of Switzerland (Bern, J. Wyss, pp. 847).

#### NETHERLANDS AND BELGIUM.

Abbé Alfred Cauche, professor of history in the University of Louvain, has for some time, and with much promise of success, urged upon the Belgian government the desirability of establishing a Belgian historical school at Rome. Readers of Professor Haskins's article in our last number will be interested in the abbé's address before the archæological and historical congress at Tournai, *De la Création d'une École Belge à Rome* (Tournai, Castermann, 69 pp.), in which he describes the Vatican archives and the schools already founded at Rome, and argues for the establishment of a Belgian school.

The *Revue des Questions Historiques* for October contains a review of the recent Belgian historical publications, by A. Delescluse.

#### NORTHERN AND EASTERN EUROPE.

The *Revue des Questions Historiques* for October contains a review of the recent Swedish historical publications (1895), by E. Beauvois.

Vol. II. of the "Northern Library" (David Nutt) will be the *Story of Thronud of Gate and the Men of the Faereys* (Faereyinga Saga), translated by Professor F. York Powell of Oxford. The *Landnåma Bók*, edited by the late G. Vigfússon and Professor York Powell, is among the announcements of the Clarendon Press.

Seven of the most eminent Danish historians, Joh. Steenstrup, Kr. Erslev, A. Heise, V. Møllerup, J. Fredericia, Ed. Holm and A. D. Jørgensen, have begun the publication of a monumental history of Denmark in six large and handsomely illustrated volumes. The work, entitled *Danmarks Riges Historia* (Copenhagen, Det nordiske Forlag) has been

for eight years in preparation, and is intended to satisfy both scholars and the general public. The authors treat of the successive periods of Danish history in the order in which they have been named above.

The last published volume of Professor Martens's *Recueil des Traités et Conventions conclus par la Russie avec les Puissances étrangères* (Vol. XI.) contains the treaties with England from 1801 to 1831, and other important state papers fully annotated.

#### AMERICA.

Messrs. Longmans, Green and Co. announce the publication of a series of small volumes to be called *The American Citizen Series*, to be edited by Professor A. B. Hart, of Harvard University, and to treat various phases of the political, economical, and social life of the nation, with considerable reference to its history. The volumes at present announced are one upon the *Financial History of the United States* by Professor Davis R. Dewey of the Massachusetts Institute of Technology; one on *American Foreign Policy, Diplomacy and International Law* by Professor John B. Moore of Columbia University; a *History of Political Parties in the United States* by Professor A. D. Morse, of Amherst College; a volume on *The Elements of Political Economy with special reference to American conditions*, by Professor E. R. A. Seligman, of Columbia University; an *Outline of Practical Sociology, with special reference to American conditions*, by Col. Carroll D. Wright, United States Commissioner of Labor; and a volume on *Actual Government as applied under American conditions*, by Professor Hart.

The concluding number of the fourteenth series of the *Johns Hopkins Studies in Historical and Political Science* is a careful and scholarly treatise by Mr. F. E. Sparks on the Causes of the Maryland Revolution of 1689. It is announced that the fifteenth series (1897) will consist of a series of dissertations upon topics in American economic history. The following are announced: The Street Railway System of Philadelphia, by F. W. Speirs; The Financial History of Baltimore, by J. H. Hollander; The American School of Political Economy, by Sidney Sherwood; History and Theory of Trusts, by H. L. Moore; State Banking in Maryland, by A. C. Bryan; State Tax Commissions in the United States, by J. W. Chapman; The Tobacco Industry in Virginia since 1860, by B. W. Arnold; The Economic History of the Baltimore and Ohio Railroad (1827-53), by Milton Reitzenstein; The South American Trade of Baltimore, by F. R. Rutter; Irrigation in Utah, by C. H. Brough.

The *American Catalogue* for the years from 1890 to 1895 contains a list of the publications of the federal and state governments, such as was inserted in the last volume of the collection.

W. G. Hedeler, of Leipzig, expects to issue in December or January the first part of a *List of Private Libraries*, including more than five hundred important private collections of the United States and Canada.

Information is to be given, chiefly derived from the owners, respecting the number of volumes and other particulars relating to the various collections. An index is to be added. The second part, now under preparation, will relate to the important private libraries of Great Britain.

Messrs. Dodd, Mead and Co. are the publishers of *American Book Clubs*, an account of clubs that have issued books for their members, from the earliest times to the present, with annotated lists of the books published, by A. Growoll, managing editor of the *Publisher's Weekly*.

In the *Proceedings of the American Antiquarian Society* at the semi-annual meeting held in Boston, April 29, 1896, the chief papers printed are one by Mr. J. E. Green on Our Dealings with the Indians; one by Mr. A. McFarland Davis on Legislation and Litigation connected with the Land Bank of 1740; and one by Mr. Stephen D. Peet on the History of Explorations in the Mississippi Valley.

The Huguenot Society of America has issued the first part of the third volume of its *Proceedings*. It includes articles on the Huguenots of Pennsylvania, Rhode Island and New Paltz, N. Y., and one by Professor Baird on the recovery of religious liberty by the Huguenots in France.

The *Report of the United States Commissioner of Education* for the year 1893-4, Vol. I (Washington, 1896, 1061 pp.) contains a hundred pages by Rev. A. D. Mayo on "Public Schools in the United States during the Colonial and Revolutionary Periods," and a bibliography of the negro in America. The second volume contains, among other things, a list of historical, biographical and genealogical societies in the United States.

The Peabody Museum of American Archæology (Cambridge, Mass.) has begun the publication of quarto *Memoirs*. The first number is *Prehistoric Ruins of Copan, Honduras: A Preliminary Report of the Explorations by the Museum, 1891-1895*. Three more numbers will soon follow: No. 2, *Explorations of the Cave of Lol Tun, Yucatan*, by E. H. Thompson; No. 3, *The Chultunes of Labna*, by the same; No. 4, *Reconstruction of the Ancient Mexican Calendar System*, by Mrs. Zelia Nuttall.

In the October number of the *Catholic University Bulletin*, the editor begins the reprinting of the documents in the Vatican archives relating to Greenland and America which Mr. Heywood printed in the rare work (*Documenta Selecta*, etc.) mentioned by Mr. Haskins on page 57 of our October number.

Count Loubat's prize for American history has been awarded by the Prussian Academy to Eduard Seler for his *Die Mexicanischen Bilderhandschriften Alexanders von Humboldt in der k. Bibliothek zu Berlin*.

Mr. George P. Winship has reprinted in advance, from the *Fourteenth Annual Report of the Bureau of Ethnology*, a list of works useful to the

student of the Coronado Expedition, prepared with the utmost care and annotated.

At the October meeting of the American Antiquarian Society, a committee was appointed to arrange for the copying and eventually for the printing of the petitions of American Loyalists addressed to the British Crown with a view to pecuniary relief. These papers will throw much light upon the position before the Revolution and the actions in the Revolution, of a multitude of individual Tories.

Mr. Paul L. Ford has printed in a small edition (100 copies) a *Bibliography and Reference List of the History and Literature relating to the Adoption of the Constitution of the United States, 1787-8* (58 pp.) This admirably complete little book of reference contains a bibliography including such editions of the Constitution itself as were printed during the discussion and before ratification. This is followed by reference-lists of histories and printed documentary authorities, newspaper essays, convention proceedings, biographies of members, partisan pamphlets and pieces relating to the contest in the states.

Messrs. Haight and Co., of Toronto, have just issued Part I. of *The Canadian Catalogue of Books*, compiled by W. R. Haight. The *Catalogue* constitutes the first systematic attempt to do for Canadian trade bibliography what the *English Catalogue* and *American Catalogue* have done for trade bibliography in Great Britain and the United States. It is intended to include all the books or pamphlets published in the Dominion of Canada from the first printed book in 1767 to the end of 1895. Annual supplements will subsequently be printed. This first part records over a thousand titles, with an author-list, index of titles and a chronological index. Technically it is somewhat imperfect, but it is certain to be useful to historical students.

The first volume of the handsome and monumental new edition of the *Jesuit Relations*, edited by Mr. R. G. Thwaites, has now appeared (Cleveland, Burrows Brothers Co.). We shall take notice of the edition more fully in a later number.

The extensive manuscript collections of the Jesuit College of St. Mary, at Montreal, have recently been placed in a fire-proof vault in the basement of the college building. The manuscripts, including many papers written by those Jesuit fathers who were engaged in the early exploration of the Great Lakes and the territory lying beyond them, have been carefully arranged by the archivist, Father A. E. Jones.

The *New England Historical and Genealogical Register* for October contains an index to all the genealogies and pedigrees which have appeared in its pages during the fifty years of its existence. The list is compiled by Mr. William W. Wight, of Milwaukee.

At the last session of the General Assembly of Rhode Island the governor was authorized to appoint a State Record Commissioner "whose

duty it shall be to prepare for the use of the State a detailed report of the number, kind and condition of the various public records in the custody and under the control of State, city and town officers in this State; and such parish or church records as may be obtainable relating to extinct or active church organizations in said State, and, as far as possible, of the records and place of deposit in other States relating to the several cities and towns in the State of Rhode Island." Under this resolve, Mr. R. H. Tilley, of Newport, has been appointed State Record Commissioner.

The last issues in the series of *Papers from the Historical Seminary of Brown University*, Nos. 6 and 7, are a paper on the *East India Trade of Providence, 1787 to 1807*, by Miss Gertrude S. Kimball; and a paper on *Appeals from Colonial Courts to the King in Council, with especial Reference to Rhode Island*, by Mr. Harold D. Hazeltine.

Dr. Bernard C. Steiner, of the Pratt Free Library, Baltimore, Md., proposes to issue to subscribers a *History of the Plantation of Menunkatuck and the original Town of Guilford, Conn.*, comprising the present towns of Guilford and Madison, and extending in a volume of some 500 pages from 1639 to 1896. The volume is based partly upon collections made by the late Ralph Dunning Smith.

The General Synod of the Reformed Church in America, which already possesses a collection of some 1200 letters and documents which passed between the Dutch churches in colonial America and the Classis of Amsterdam, has appointed a committee to prepare these for publication and to obtain copies of such other papers on the same subject as are still in the possession of the Classis of Amsterdam. The committee propose to send an agent to Holland for this purpose, and desire contributions to a fund of \$5000 which is needed for the execution of their purposes. The papers alluded are of course an invaluable mine of information respecting the ecclesiastical and civil history of early New York and New Jersey.

By the munificence of Mr. John S. Kennedy, one of the Trustees of the Lenox Library, the immensely valuable autograph collections of Dr. Thomas Addis Emmet, containing materials of much importance for American history, have been added to the treasures of historical manuscript already in the possession of that library.

A parallel to the *Old South Leaflets* is projected in New York by the New York History Club, under the editorship of Mrs. Maud Wilder Goodwin, Mrs. Alice Carrington Royce and Miss Ruth Putnam. The *Half Moon Series* of papers on historic New York will be published during the coming year. The pamphlets will be issued monthly at a low price. Among the subjects treated will be The Stadt Huys of New Amsterdam, by Mrs. Alice Morse Earle; Anneke Jans' Farm, by Miss Ruth Putnam; Wall Street, by Mr. O. G. Villard; King's College, by Mr. John B. Pine; Tammany Hall, by Mr. Talcott Williams; The Bowery; Governor's Island, etc.

The Munson-Williams Memorial building, erected for the Oneida Historical Society by Mrs. Helen Munson-Williams and her daughters, Mrs. T. R. and Mrs. F. T. Proctor, was dedicated on December 1. Addresses were made by the acting president of the society, Mr. George D. Dimon, by Judge Alfred C. Coxe and by Chancellor A. J. Upson.

Mr. Peter A. Portor has printed at Niagara Falls, New York, in a pamphlet of 84 pages, with many interesting illustrations, an excellent *Brief History of Old Fort Niagara*, from the earliest times down to 1826, when the soldiers were withdrawn, since which time the fort has not ranked as a defensive work.

The October number of the *Pennsylvania Magazine of History and Biography* presents a document of the greatest interest in Pennsylvanian history, a rough draft of a constitution for Pennsylvania prepared by Penn before what is known as the "Frame of Government" was written. This draft, found among the Penn papers in the possession of the Historical Society of Pennsylvania, is headed "The Fundamentall Constitutions of Pennsilvania as they were drawn up, settled and signed by William Penn, Proprietary and Governour, and consented to and subscribed by all the First Adventurers and Freeholders of that Province as the Ground and Rule of all Future Government;" but the title seems to indicate nothing more than that it was Penn's intention to submit this draft for the approval of the colonists, not that it was actually so signed. The other contents of the number are mostly continuations of the articles in the July number, noted in our last issue.

The state printer of Pennsylvania has in press, to be issued very shortly, six volumes of the third series of the *Pennsylvania Archives*, three of these volumes containing accounts of the lieutenants of the counties during the Revolutionary War, while the other three consist of proclamations, commissions, and patents prior to the year 1800. These volumes are edited by Dr. W. H. Egle, State Librarian.

The Southern History Association begins with the new year to issue its publications in the form of a quarterly. Subscriptions may be sent to the secretary, Dr. Colyer Meriwether, 325 East Capitol Street, Washington.

The October number of the *William and Mary College Quarterly Historical Magazine* contains a great variety of interesting matter relating to the history of colonial Virginia; the journal of the President and Masters of William and Mary College is continued; a list of the county committees of 1774 and 1775, and a list of the Burgesses of 1692-1693 are given. Other articles relate to the Ohio Company, the vice-admiralty court of Virginia, and the early history of certain industries in the colony.

Dr. Stephen B. Weeks, of the United States Bureau of Education, is preparing, from manuscript and other materials, a work on *The Life and*



*Times of Willie P. Mangum, Senator of North Carolina and President of the United States Senate.* He solicits correspondence with any person who has letters of Mangum or other material relating to his life or to the contemporary period in the history of his state. Dr. Weeks also proposes to publish a comprehensive general bibliography of North Carolina, carrying on the work begun by his previous bibliography of the historical literature of the state.

The state of South Carolina has received from London and bound in complete series the transcripts relating to its colonial history which have been made for it in the Public Record Office. The state has also begun the work of arranging in proper form its Confederate records.

The October number of the *American Historical Magazine* (Nashville, Tenn.) contains a paper by R. L. McDonnold on the "Reconstruction Period in Tennessee;" another, by S. A. Link, on the "Beginning of Literature in the Southern Ohio Valley;" a large amount of genealogical matter, and a brief installment of the correspondence of Gen. James Robertson.

Miss Annah May Soule follows up her last year's dissertation on *The International Boundary of Michigan* with an excellent and thorough study of *The Southern and Western Boundaries of Michigan* and of the political contests concerning it. This is printed as the first of a series of Studies in Michigan History, in the *Publications* of the Michigan Political Science Association (pp. 73).

The Chicago Historical Society opened its new building to the public on December 15. The corner-stone of the building was laid in November, 1892. It is a handsome and massive structure, absolutely fireproof. It contains a French Hall, with interesting and valuable relics of old Illinois; a large lecture-room and a reading-room, with many interesting portraits and memorials; and a library now containing 20,000 volumes and 40,000 pamphlets, and capable of extension so as to include 300,000 volumes.

The Caxton Club of Chicago intends to issue, as its first publication, a page-for-page and line-for-line reprint of Joutel's *Journal of La Salle's Last Voyage*, after the first English translation, London, 1714. The book will include a facsimile of the folding map given in the French edition of 1713, and notes by Mr. Melville B. Anderson. A handsome edition, limited to 206 copies, is intended.

No. 7 of the *Publications of the Parkman Club* is a pamphlet of seventy pages by Mr. W. W. Wight on *Eleazer Williams—His Forerunners, Himself*, a careful and scholarly examination of the whole story of the alleged Louis XVII. Nos. 8 and 9, briefer pamphlets, are: *Charles Langlade—First Settler of Wisconsin*, by M. E. McIntosh; and *The Germans in Wisconsin Politics—I. Until the Rise of the Republican Party*, by Ernest Bruncken.

At the November meeting of the Minnesota State Historical Society, Gen. E. C. Mason read an important paper upon the San Juan Island incident, in which he had a part.

The publishing house of Otto Wigand in Leipsic will issue a volume on Ebenezer and Amana, *Die wahre Inspirations-Gemeinde in Iowa*, by Professor Karl Knortz, of Evansville, Ind.

A review, partially historical in contents, called *La Biblioteca*, and published in Buenos Aires, began publication in June. It is to appear monthly. The July number contained an account of the Congreso Americano at Lima.

Noteworthy articles in periodicals: M. Staglieno, *Documenti relativi à Cristoforo Colombo ed alla sua famiglia* (La Cultura, July 15); M. Jimenez de la Espada, *Primer Siglo de la Universidad de Lima*, I (Revista Crítica de Historia y Literatura Españolas, August); W. Notman, *The Early Bermuda Church* (Presbyterian and Reformed Review, October); F. W. Grey, *The Jesuits and New France in the Seventeenth Century* (American Catholic Quarterly Review, October); *Codfish and Currency* (Nation, December 10); L. R. Harley, *The Redemptioners* (New England Magazine, October); A. McF. Davis, *The Currency Discussion in Massachusetts in the Eighteenth Century*, I (Quarterly Journal of Economics, October); C. Higham, *The Rev. Jacob Duché* (New-Church Magazine, September, October); Woodrow Wilson, *The First President of the United States* (Harper's Magazine, November); Horace Porter, *Campaigning with Grant* (Century Magazine, November, December).

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We have received from the Chief of the Bureau of Rolls and Library in the Department of State, the official editor of the *Bulletins* of that bureau, the following communication:

In a notice of No. 7 of the Bulletin of the Bureau of Rolls and Library of the Department of State, in Vol. II, No. 1, of this REVIEW, October, 1896, page 188, the following passage occurs:

"The only explanation given in these bulletins concerning this index is the following, printed at the head of the instalment in each issue: 'For the purposes of this index the several classes of papers deposited in the Bureau of Rolls and Library are considered as one collection. The bureau under existing equipment cannot confine its indexes or catalogues to any



one particular class or collection of papers without neglecting others to which there exists at present little, if any, clue.' "

The explanatory matter from the Bulletin appears at page 25 of Bulletin No. 1, and is repeated in Bulletin Nos. 3, 5 and 7.

The words quoted, however, are not "the only explanation given," for at page 4 of Bulletin No. 1 this announcement is made :

"It will be understood that as a rule no index given in the bulletin is complete in itself with respect to any one letter of the alphabet. It may, however, be found possible occasionally to print a complete catalogue of some particular class or collection of papers, as, for example, the Monroe Calendar."

While beginning with Bulletin No. 3, and repeated in Nos. 5 and 7, this memorandum is printed on the reverse of the title page in each case.

"Bulletin No. 1, issued September, 1893, contains (1) a catalogue exhibiting the existing arrangement of the papers of the Continental Congress; (2) a partial miscellaneous index of manuscripts of the Continental Congress examined to the date of going to press; (3) The Documentary History of the Constitution for the period preceding the Federal Convention—being the Annapolis Convention and credentials of delegates to the Federal Convention."

It is commonly known that there is no such index in existence as a complete index of the papers of the Continental Congress from which to select instalments for publication. The making of such an index, by the Bureau having custody of the papers with its present equipment, would require many years of constant application. (The Index Books of sixty years ago are incomplete, vague and generally inadequate to present demands.) And then, too, from 1775 to 1789, just as at the end of the nineteenth century, events occurred simultaneously or chronologically, not alphabetically. "Could a calendar of historical documents," the reviewer asks, "published at the end of the nineteenth century by one of the chief governments of the world, be constructed on principles more extraordinary?" Surely—with the utmost ease. Nothing could be simpler, nothing less "extraordinary" than the "principles" on which the index under ban is "constructed." It is a current index, arranged in alphabetical order, as far as it may have proceeded when the Bulletin goes to press, Bulletin by Bulletin. It is printed as quickly as made so that the present generation may enjoy some use of the papers of the Congress. The principles upon which it is constructed are exactly similar to the principles upon which a list of accessions to a library catalogue of books is constructed. This is a list of accessions to an index of collected manuscripts, published for immediate use; and it bears the same relation to a completed index as a library accession list bears to a completed catalogue. It was offered as a "partial miscellaneous index," not as a calendar; and until the appearance of the notice of Bulletin No. 7 in the REVIEW the published explanations of its character were

believed to be ample to meet the exactions of all intelligent investigators consulting the Bulletin. When finished and arranged it will be an Index of the Records of the Continental Congress constructed upon principles differing from those upon which the Monroe, Madison and Jefferson Calendars were constructed only as an Index differs from a Calendar. The simple question—the sole question is, shall nothing be given until the completion of the work, many years hence?—for there is no alternative. In other words, is that which is now given, in the Bulletin (as the manuscript is examined) better than nothing? The actual experience of constant correspondence answers most emphatically that it *is* better than nothing. Intelligent and legitimate criticism is most welcome; but there is a limit. Such criticism must be well informed. An assault, based upon lack of care or apprehension—insufficient information—is another matter. An essay at ridicule to support a point without existence serves no purpose.

A. H. A.

[I must apologize for having overlooked any portion of Mr. Allen's exposition of the method which he is following; and I should be sorry to be thought to visit with other than legitimate criticism a series so useful and to which we are all so much indebted. But I fear that the nature of my criticism on the section in question has been misunderstood. The essential part of it may be restated in the following form: The matter headed "Miscellaneous Index" in *Bulletins* 1, 3, 5, 7, is almost exclusively a calendar to Chapter A, No. 78, in the archives, *i. e.*, substantially, to the letters to the President of Congress, exclusive of those addressed to him by the heads of the executive departments, the agents of the United States in foreign countries and those of foreign states in America, and the general officers of the army—a collection of twenty-four volumes of related matter. Nearly all of these volumes, it appears, have now been indexed. My contention was, that the convenience of students would have been much better subserved if all these index-entries had been allowed to wait during these two or three past years, and had then been brought out in one alphabet. It is true that the events of the Revolution did not happen, nor were these letters written, in an alphabetical order. But Mr. Allen has arranged them in an alphabetical order. My complaint was, in effect, that these items appeared in the *Bulletins* not in one alphabet, but in four. The matter embraced in Chapter A, No. 78, having a certain unity, and the volumes being large, a unification of the index appeared to me highly desirable. From a careful examination of the items, it seemed to me that such a unification might readily have been achieved. I am sorry if my disappointment expressed itself in a form which seems to the editor captious. But it is not apparent to me

that there is no alternative between presenting no such index-matter and waiting for the completion of an index to the whole of the papers of the Continental Congress. Mr. Allen's own admirable calendars to the Jefferson, Madison and Monroe Papers furnish a type of an intermediate solution of the problem, applicable, one would think, wherever in the archives a large body of related matter is found.—THE REVIEWER.]

The  
American Historical Review

POLITICAL SCIENCE AND HISTORY<sup>1</sup>

*Mr. President, Colleagues and Guests :*

The subject assigned to me is so comprehensive, and the time allowed me in which to develop it is so short, that I can waste no words upon an introduction, or in an apology for the necessarily brief and fragmentary treatment of the theme, but must plunge at once into the midst of things.

In order to define the relation between history and political science, we must fix, with some degree of clearness and exactness, the meaning of these terms. If we can succeed in doing this the relation between the concepts which they represent will, in fact, need little further explanation.

Few persons, either professional or lay, are conscious of the difficulty of setting up the metes and bounds to the realm of knowledge designated by the name "history," until they actually undertake to do so. The proposition may even be hazarded that few persons have ever confronted themselves with this problem at all. Unfortunately for the right cultivation of historical knowledge, and the true application of historical wisdom, everybody assumes to know what history is, and to declare what it teaches. People do not dare to take such liberties with mathematics or chemistry or physics, and yet the real meaning of history is far more profound than the facts and principles of these sciences, and has been correctly apprehended by far fewer persons.

I have been a constant student of history for more than a quarter of a century, and yet I have never heard or read a definition of history, or a delimitation of the realm of knowledge which the word designates, that was satisfactory to me, and I am sure that I am unable to frame or trace any such. If I can arrive at a remote approxi-

<sup>1</sup> A paper read before the American Historical Association, December 30, 1896.

mation to anything satisfactory, either to you or to myself, it is all that I can hope for, and it is more than I expect.

I have no time for criticism upon the propositions advanced by others in regard to this subject. I will address myself, at once, to the consideration of those categories of thought which must, in my opinion, be applied in working out the true conception of history.

{ In the first place, the phenomena of history must be conceived under the category of time, that is, in the order of antecedent and consequent. This requirement alone, however, will not distinguish history from any other body of knowledge, not even from natural science. Anything and everything which the human mind conceives must be formed in the moulds of time. If we apply this category of thought alone to phenomena we may call the result statistics or chronology, or narrative, perhaps, but not history, nor yet even natural science.

{ In the second place, therefore, the phenomena of history must be conceived under the category of cause and effect. This requirement demands a much more serious and exact mental effort than the first. While, undoubtedly, great mental acumen is necessary to distinguish fact from fiction in the fleeting world of phenomena, still, much higher intellectual qualities are indispensable in correctly apprehending this most fundamental relation of cause and effect. Not yet, however, have we reached the test which distinguishes history from many other realms of knowledge. The observations and experiments of the physicists are made as rigidly subject to this logical category, in the discovery of the truths of natural science, as are the experiences of mankind, in winning an insight into the truths of history. We must, therefore, still find another form of thought, by whose applications the facts and relations which belong to history shall be separated from those which do not, and shall be made intelligible, both in themselves and in the ultimate purpose towards which they tend.

{ This form of thought, which furnishes, at last, the crucial test that we are seeking is, as I understand history, the category of self-progression. In nature the chain of events returns into itself; what has happened will happen again; but in history the significant thing is the increment which we discover in succeeding events. In history what has happened once in the life of a given people ought never to happen again exactly as it happened before. If it does it indicates either that where it so happens history is, as to what underlies that event at least, not being made, or that it is being unmade; and historical wisdom does not consist simply in knowing what has happened under given conditions, but also, and I may say, chiefly,

in correctly apprehending the variations, however slight, in the ever-changing conditions, and the accretions in the succeeding events produced thereby. In a word, historical wisdom is the true basis of progress, and it is comparatively worthless, is, in fact, not historical wisdom, unless it produces the spirit of true progress.

Regarding, now, phenomena from the point of view of the requirement imposed upon them by the category of self-progression, we arrive at the conclusions: first, that the substance of history is spirit, since only spirit possesses the creative power of making the consequent contain more than the antecedent, of making the effect an advance upon the cause; second, that the substance of history is human spirit, since progress can be predicated only to the finite and the imperfect; and third, that the events which are true historical facts are those creations of the human spirit which are the symbols of its advance towards its own perfection.

History, in the making, is, therefore, the progressive realization of the ideals of the human spirit in all of the objective forms of their manifestation, in language, tradition and literature, in customs, manners, laws and institutions, and in opinion and belief. And history, in the writing, is the true and faithful record of these progressive revelations of the human reason, as they mark the line and stages of advance made by the human race towards its ultimate perfection. I do not mean by this that there can be no retrogression in the experience of a given part of the human race, and no record of such a decline. Many are the races of men whose powers have been expended in the march of human progress. But the torch of history has been handed from one to another, as each exhausted bearer has ceased to be the representative of human progress. When this great catastrophe happens in the life of a portion of the human race that portion really ceases to make history; it really, thereafter, unmakes history. Its experiences, thereafter, are material for tragedy and romance, rather than for history.

Now what is political science? Etymologically the phrase means the science of municipal government, and that was what it actually was among the classic peoples who bore the civilization of the world in the period before the Roman Empire. That period of the world's history was the period of city states, states in which all citizens participated immediately in the government. The Roman imperium inaugurated the period of country states; and the period in which we live is the period of national country states. The essential difference in principle between the country state and the city state is that the government of the country state is representative, while that of the classical city state was immediate. And the essen-

*Sully.*



tial difference in principle between the national country state and the country state merely, is that the former is necessarily either democratic or so broadly aristocratic as to be very nearly democratic, while the latter may be either monarchic or aristocratic, but hardly democratic.

Political science in its present meaning is, therefore, the science of the national country state, and is tending to become the science of the human world state. Its problem is, therefore, something far more comprehensive than the science of immediate municipal government, or of representative municipal government, or even of government in general. The modern requirements of territorial extension, representative government and national unity have made { political science not only the science of government in general, but also the science of liberty and the science of sovereignty.

Political science now consists of a doctrine of sovereignty, a doctrine of liberty and a doctrine of government. And modern constitutional law consists of a series of provisions designating the members of the sovereign body and prescribing its mode of action, defining and guaranteeing the realm of individual liberty, and constructing the organs of government and vesting in them the powers which they may lawfully exercise. In other words, constitutional law is but the more or less perfect objective realization of the doctrines of political science. Now, not only is the process of casting the principles of these doctrines or theories into the objective forms and institutions of positive law an historical process and movement, but the doctrines themselves are largely an historical product. Centuries of experience in the practices of government and the customs of liberty antedate, and lead up to, the awakening of the consciousness of the political idea. Roughly speaking, we may affirm { that the formulation of the political idea, political science, was first really accomplished, in post-Roman Europe, in the seventeenth and eighteenth centuries of the Christian era. Twelve centuries, thus, of practical education in regard to the force and the freedom which society requires, in order to work out the problem of human civilization, were necessary to rouse philosophical reflection upon the political idea, the state, to the degree of clearness and distinctness which must be attained before the products of reflection can take on the form of propositions, and these propositions be arranged into a body of science. Nor was this result attained *then* perfectly and for all time. The productions of those who may, in a sense, be termed the founders of modern political science, Grotius, Pufendorf, Hobbes, Locke, Montesquieu, Rousseau and the rest, were naturally crude and fragmentary ; and while their theories exercised a modifying in-

fluence upon existing political systems, they have themselves suffered changes and adjustments in the hands of the more modern publicists, as suggested by a longer and broader experience of the human race in government, law and liberty. And although political science has now approached a stage of completeness where we can speak of it as the basis of constitutional law, still its propositions are being continually modified and readjusted by new practical experiences. It is leading them at one moment, and being led by them at another, its genesis and development thus fulfilling all of the requirements of a true historical process.

But how much of history is political science, and how much of political science is history? Are the two identical; or is there some history that is not political science, and is there an element in political science which is not history? In a lecture delivered to his students in the year 1885, and recently published to the world under the editorial supervision of Professor Sidgwick, the late Professor J. R. Seeley said that history "is the name of a residuum which has been left when one group of facts after another has been taken possession of by some science; that the residuum which now exists must go the way of the rest, and that the time is not very distant when a science will take possession of the facts which are still the undisputed property of the historian;" and that the science will be political science.

Now, although this seems extravagant, yet it is much nearer the truth than most men will allow before serious reflection, because most men do not appreciate how large the body of facts belonging to political science is. Most men instinctively feel that the facts of political science are facts about government only, while, as we have seen, political science now also comprehends the facts about sovereignty and liberty.

National popular sovereignty, the basis both of government and of liberty, is the most fundamental principle of modern political science. Now the development of this principle, and its objective realization in constitutional law, is the most complex and comprehensive of all the movements of history. It involves facts about race, language, tradition, custom, literature, ethics, philosophy and religion, in addition to those more commonly considered as belonging to the exhibitions of force and power. It is nothing less than the historical evolution of a consensus of opinion among the people of a country concerning the fundamental principles of government and liberty, and the objective realization of that opinion as supreme law. Now, while no one will question that the latter part of this process exhibits facts which belong to political science, it is not so readily and in-

stinctively appreciated that the former part does also. It is, however, as strictly true in the one case as in the other. The only difference is that in the one case the facts do not belong as exclusively to political science as in the other. They are facts which are used as well by other sciences and disciplines.

Again, the constitutional liberty of the individual is a principle of modern political science of nearly equal importance with the principle of government itself. While, however, men regarded individual liberty as a body of natural rights, the facts about it were scarcely conceived as being facts of political science at all. Indeed, the doctrine of natural rights was one which made individual liberty a condition of original perfection rather than a product of history even. Here, then, is another large body of facts which has only recently been conceded to belong to political science. This body of facts makes up a very large portion of modern European and American history especially. If it belonged *exclusively* to political science the dictum of Professor Seeley would be nearer to the truth than it is. But it seems to me that it does not. It seems to me that the idea of civil or individual liberty must be distinguished into two parts. The one part is the idea of the immunity of the individual, in a certain sphere, against the force and control of government. The other part is the right of the individual to be protected in a certain sphere by government against encroachment from any other quarter. Now the first part may be fairly regarded as a principle of political science exclusively, and the facts relating to it as facts of political science mainly. But the latter part of it involves principles of private law, political economy and sociology as well, and the facts in regard to it belong as well to these bodies of knowledge as to political science. And the whole idea of liberty, as a concept of political science, must be carefully distinguished from the ethical idea of liberty, as the voluntary fulfillment of the perfect law. The two ideas are related to each other, as negative is to positive. The political idea is the prevention of force within a certain sphere of individual autonomy. The ethical idea is the voluntary conduct of the individual within that sphere according to the principles of right reason; and the immunity contained in the ethical idea is an immunity against error and sin. As the ethical idea is more and more fully realized in the conduct of men within the given sphere of individual autonomy, that sphere may be, and will be, enlarged by the state. That is, the state will do less by government and more by liberty, as it becomes manifest that immunity from compulsion is resulting in and promoting the voluntary regulation of individual conduct by the principles of right reason.

Now, therefore, while some of the facts which relate to the ethical idea of liberty are facts that must be made use of by political science, most of them are facts which more properly belong to the history of the intellectual, ethical and religious progress of man. Many of these facts have, according to Professor Seeley's view, been appropriated by psychology, ethics and theology; and the residue may, in greater or less degree, be appropriated by political science, in so far as this has not already happened. Still, I think, from this discussion it will appear that there is a vast number of the facts of human experience which cannot be *exclusively* claimed by any science as yet developed, and which will not be rightly so claimed by political science, even under the expanded idea of that science which at present prevails. Now, this body of facts must be brought together, in order that the relations which they express may be examined from all points of view and fully comprehended; and I do not see what designation can be given to such a body of knowledge with so much propriety as the title "history."

While, then, we concede that political science may rightfully appropriate a much larger part of history than is, at first view, usually supposed, we are not convinced that political science will, within the appreciable future, take all of history not exclusively appropriated by other sciences.

When mankind shall have reached that fulness of experience which shall enable it to become completely conscious of itself, it may then be able to turn all of its knowledge into science, and history may then be said to have done its work. But I fancy that, when that far-distant day shall have been reached and the historian shall be no longer needed, the retirement of the political scientist also will not be greatly delayed. Until then the arranging of the facts of history in the forms and conclusions of science will only lift history to a higher plane, as the experiences of mankind approach more nearly the ideals and the goal of civilization.

Lastly, there is one more question which I have posed and not yet answered, namely: Is all political science history? or is there an element in political science which cannot be classed under that title? I think the latter part of this question must be answered in the affirmative. Political science consists of something more than facts and logical conclusions from facts. It contains an element of philosophical speculation which, when true and correct, is the forerunner of history. When political facts and conclusions come into contact with political reason they awaken in that reason a consciousness of political ideals not yet realized. Thrown into the form of propositions these ideals become principles of political science, then

articles of political creeds, and, at last, laws and institutions. Now while this speculative element in political science must be kept in constant, truthful and vital connection with the historical component, and must be, in a certain very important sense, regulated by the historical component, it is, nevertheless, the most important element in political science, because it lights the way of progress, and directs human experience towards its ultimate purpose. It is the element most exposed to error and to fancy, but it is the only element again which mediates the adjustment of the actual to the ideal, and without it political science would not differ essentially from public law.

My conclusion is, therefore, that while there are parts of history which are not political science, and while there is an element in political science which is not strictly history, yet the two spheres so lap over one another and interpenetrate each other that they cannot be distinctly separated. Political science must be studied historically and history must be studied politically, in order to a correct comprehension of either. Separate them, and the one becomes a cripple, if not a corpse, the other a will-o'-the-wisp.

JOHN W. BURGESS.

## MARSIGLIO OF PADUA AND WILLIAM OF OCKAM

### I.

THE study of the political writings of the Middle Ages has gone on so rapidly since the appearance of Friedberg's *Die mittelalterlichen Lehren über das Verhältniss von Staat und Kirche*,<sup>1</sup> in 1869, and of Riezler's *Die literarischen Widersacher der Päpste zur Zeit Ludwig des Baiers*,<sup>2</sup> in 1874, that the complaint of Lorenz<sup>3</sup> that this literature has not been sufficiently investigated by capable men is coming to have less and less force. Not only have the political and ecclesiastical theories of the mediæval writers begun to be studied,<sup>4</sup> but their influence on each other has been taken up with considerable energy. Their ideas, which arose from the desire to define the relations between church and state, continued to influence the theoretical writers on those institutions even when the heated controversies about their relative powers had ceased because of the tacitly understood supremacy of the state. It is with this fact in his mind that Albert, in his article on Matthias Döring in the *Historisches Jahrbuch*,<sup>5</sup> says that "to trace the influence of the controversial literature of the time of Louis of Bavaria on the succeeding century would be a very useful undertaking." To go farther and trace the influence of the theorists of the conciliar movement of the fifteenth century on the reformers of the next century, of these on Althusius and Grotius, of these in turn on Hobbes and his contemporaries, and of these in their turn on Montesquieu and others of the eighteenth century, would prove yet more useful and far more interesting.

Work in this line on the period between 1300 and 1350 has already been done by Riezler. His book, however, was undertaken from the standpoint of the church and thus leaves much to be done from the point of view of political theories. Janet in his *Histoire de la Science Politique*,<sup>6</sup> and Franck in his *Les Réformateurs et Publicistes*,<sup>7</sup> pretend to give the political theories of the Middle

<sup>1</sup> *Zeitschrift f. Kirchenrecht*, ed. Dove and Friedberg, VIII. 69-137.

<sup>2</sup> Leipzig.

<sup>3</sup> *Deutschlands Geschichtsquellen im Mittelalter*, 3d ed. (1887), II. 333.

<sup>4</sup> Gierke, *Genossenschaftsrecht*, 1881, III. 502-644.

<sup>5</sup> XI. 489.

<sup>6</sup> Paris, 1887, 3d ed.

<sup>7</sup> Paris, 1884.

Ages, but they can hardly be said to have treated this period seriously or scientifically. Even Riezler's work, a fine example of historical research for the period which it covers, has become more or less antiquated through the discovery of new facts in recent researches upon the authors and writings studied by him. This is especially true of the two most important writers with whom he deals—the Italian, Marsiglio of Padua, and the Englishman, William of Ockam.

The family name of Marsiglio, which Riezler on insufficient grounds had put as Raimondini,<sup>1</sup> seems certainly to have been Maynardino. His rectorship at the University of Paris, so often mentioned, can not have begun before September 14, 1312, nor have extended beyond May 5, 1313, while there is a strong probability that it began December 16, 1312, and ended March 19, 1313.<sup>2</sup> The length of time during which he was in Paris before he was made rector cannot be ascertained with any certainty.<sup>3</sup> It is very probable that he was there several years beforehand, though it may have been less than one year.<sup>4</sup> After his rectorship he probably stayed at the university in the position of a teacher.<sup>5</sup> By a bull of October 14, 1316,

<sup>1</sup> Riezler, o. c., p. 30, accepted this name on the authority of Alberto Mussato in his *Ludovicus Bavarus* (in Boehmer's *Fontes*, I. 175), notwithstanding that all the other sources had given his family name as Maynardino or some form of that name. On the strength of two recently discovered letters of Pope John XXII. (in *Vatikanische Akten z. deut. Gesch. in der Zeit Ludwigs des Bayern*, ed. Riezler, Innsbruck, 1891, pp. 5, 66), he decides in favor of Maynardino. This explains the title of Menandrinus given to Marsiglio. Variations in the name, such as Mainardini, Marquardino, etc., are such as occur in all names at that time, e. g., Ockam, Jandum, Niem, etc.

<sup>2</sup> By the regulations in force at this time the election of rector took place four times a year (H. Denifle, *Chartularium Universitatis Parisiensis*, Paris, 1894, I. 576, II. 455). By referring to the calendar (*ibid.*, II. 709–716), and to Giry, *Manuel de Diplomatie*, Paris, 1894, it is an easy matter to calculate that the elections took place October 10 and December 16, 1312, and March 19 and June 22, 1313. For the quarter preceding October 10, 1312, we find Hermerigus rector (*Denifle*, II. 156). For the following quarter we have no evidence, while for the quarter between December 16, 1312, and March 19, 1313, we find Marsiglio rector (*ibid.*, 157). For the quarter between March 19 and June 22, 1313, we find a certain Nicolaus rector (*ibid.*, 169). These regulations were not always strictly adhered to. There was a reenactment of them under Marsiglio.

<sup>3</sup> Riezler, o. c., 34, thinks it was long.

<sup>4</sup> To be chosen rector at that time it was necessary to be a member of the Faculty of Arts, engaged in teaching (*Denifle*, I. xxvi.). This implied the degree of Master of Arts taken at the University, but to get this degree did not require any specified time of residence at the University (Bulæus, *Historia Universitatis Parisiensis*, IV. 272 ff.). Its recipient merely had to swear that he was graduated from a university having at least twelve teachers and that he had studied arts during six years (Thurot, *L'Enseignement dans l'Université de Paris au Moyen Âge*, Paris, 1850). The importance of the office (*Denifle*, I. 576, II. 455), makes it exceedingly unlikely that Marsiglio would have been made rector after a few years' residence.

<sup>5</sup> Additional proof of his teaching at Paris is furnished by his friend and coadjutor John of Jandum in a preface written by him in a copy of Peter of Abano's commentaries on the *Problemata Aristotelis*, which belonged to Marsiglio. The seeming original of this

he was made a canon of the church of Padua by Pope John XXII.<sup>1</sup> and it is probable that he went to Padua at this time.<sup>2</sup> On April 5, 1318,<sup>3</sup> he was given by the same pope the right to the presentation to an ecclesiastical benefice of the bishopric of Padua. These grants<sup>4</sup> by John prove beyond a doubt that Marsiglio was a member of the secular clergy.<sup>5</sup> At some time in his life he made a visit to Rome, or Avignon, where he saw the terrible corruption of the Roman curia.<sup>6</sup> It appears that he became a bachelor or master in theology at Paris and gave lectures on theology, but this is not certain. That he was a physician and practised at Paris there is no doubt,<sup>7</sup> but at what time and where he took his degree in medicine remain uncertain.<sup>8</sup>

He began his famous *Defensor Pacis* about the end of April,

is in the Bibliothèque de l' Arsenal at Paris (MS. Latin. Cod. 723), and comes from the library of the College of Navarre, of which Jandum was a student and afterwards teacher in 1315. (Le Roux de Lincy et Tisserand, *Paris et ses Historiens*, Paris, 1867, p. 5.) After speaking of his beloved master, Marsiglio of Padua, Jandum says that he was the first among the masters teaching philosophy at Paris to receive instruction in this subject from Marsiglio.

<sup>1</sup> *Vatikan. Akten*, No. 6.

<sup>2</sup> Lorenz, o. c., II. 348, thinks that he did.

<sup>3</sup> *Vat. Akten*, No. 100.

<sup>4</sup> Denifle, o. c., II. 158, 717, denies the statements of A. Thomas, *Extraits des Archives du Vatican pour servir à l'Histoire du Moyen Âge* in *Mélanges d'Archéologie et d'Histoire de l'École de Rome*, 1882, pp. 446-452, and of Riezler that these grants have reference to the great Marsiglio of Padua. His grounds for denial are: (1) among the executors of the bull of October 14th there is not one who lived at Paris, where Marsiglio was at that time; (2) the name is spelled Maynardino in 1316 and Marquardino in 1318; (3) he is not called "Magister." To these objections it may be said that the fact that the continuator of William of Nangis (ed. Géraud, II. 14.) says, that Marsiglio and Jandum left Paris in 1318, is no evidence that they were there in 1316. The difference in spelling is no weighty argument when we consider the numerous ways of spelling all proper names at this time. In the bulls which we shall mention further on we shall find that Marsiglio's title of "Magister" is often omitted. On the other hand, the name Maynardino coincides with those given by the other authorities (*supra*), the letter of 1316 calls him "natus Bonmatthei," while Mussato calls his father "Mattheo," and John XXII. in a bull of April 9, 1327 (Martène et Durand, *Thesaurus Novus Anecdotorum*, II. 692), says that "Marsiglio and Jandum, unmindful of and ungrateful for the benefices they have received, have adhered to Louis of Bavaria," and John therefore deprives them of their "ecclesiastical benefices and dignities." In connection with this it should be said that Jandum had been made canon of Senlis, November 13, 1316 (Thomas, l. c.). This explains what was not clear to Le Roux de Lincy (o. c., pp. 74, 78), why Jandum withdrew to Senlis in 1323 to finish his *De Laudibus Parisius*.

<sup>5</sup> Evidence as to his being a regular clergyman is untrustworthy (Riezler, p. 34).

<sup>6</sup> *Defensor Pacis* in M. Goldast, *Monarchie S. R. Imp.*, II. 274, line 44. The statement (Lorenz II. 348), that he was at Avignon cannot be drawn from this.

<sup>7</sup> Examinations of Franciscus of Venice before the inquisition court at Avignon in Baluze, *Miscellanea*, ed. Mansi, Lucca, 1761, II. 280. Inquisition on Marsiglio's book, Denifle, III. 221-227.

<sup>8</sup> Thomas's (l. c.) attempt to fix the time when he took his degree is far from convincing.



1324, and finished it June 24th of the same year.<sup>1</sup> The part that John of Jandum took in the composition of the book cannot be determined, though to all appearances it was small.<sup>2</sup> Shortly afterwards the two, probably at the invitation of Louis of Bavaria, went to his court, then at Nuremberg.<sup>3</sup> With this emperor Marsiglio remained until his death, which occurred in 1342 or before April in 1343.<sup>4</sup>

No critical study of the manuscripts or the editions of the *Defensor Pacis* has yet been made. Besides the manuscripts mentioned by Riezler,<sup>5</sup> there are six at Paris,<sup>6</sup> one at Auxerre,<sup>7</sup> one at London,<sup>8</sup> one at Cambridge,<sup>9</sup> one at Oxford,<sup>10</sup> and three at Vienna.<sup>11</sup> Adding to these the five that Riezler gives we have eighteen manuscript copies of this work. To these we may add another in the form of an Italian translation,<sup>12</sup> making in all nineteen—a number which makes Riezler's remarks about the scarcity of manuscript copies valueless.<sup>13</sup> The number of manuscripts is about equalled by the nu-

<sup>1</sup> Riezler (pp. 195 ff.) puts the limits within which the work was written too far apart. C. Müller (*Der Kampf Ludwigs des Bayern mit der römischen Kurie*, 1879-80, I. 368) discovered a manuscript in Vienna which enabled him to fix the above limits. Ritter (in *Hist. Zeitschrift*, XLII. 302) on insufficient grounds rejects Müller's conclusions. As the same writer refused to accept the limits set by Riezler (Reusch, *Theolog. Literaturblatt*, 1874, No. 24) it is difficult to see what kind of proof he wants.

<sup>2</sup> Riezler, *ibid.* Riezler is inclined to overemphasize the unity of the work. A comparison of a manuscript of the *Defensor Pacis* at Vienna, which is supposed to be the original, with Jandum's (more properly Genduno; Le Roux de Lincy, p. 20) handwriting in *De Laudibus Parisius* might inform us whether Jandum was the copyist of Marsiglio, as Friedberg (o. c., p. 114) thinks he was.

<sup>3</sup> *Cont. of Nangis*. Riezler wrongly says that they were first condemned by the pope in 1327, and on this ground doubts that they were in Germany as early as 1324, though there is much evidence to show that they were. See below.

<sup>4</sup> Riezler, pp. 38 and 122. Scheffer-Boichorst convinced Riezler (*Jenaer Literaturzeitung*, 1874, No. 43, p. 674; *Hist. Zeitschrift*, 1878, II. p. 328) that Marsiglio did write the tract on divorce in 1342. Riezler would thus contract his old limits of October 28, 1336—April 10, 1343, for Marsiglio's death. Wurm in *Hist. Jahrbuch*, 1893, XIV. 68-69, accepts Riezler's old limits. On what grounds it is difficult to see.

<sup>5</sup> Pp. 193, 194: (1) Vienna, Haus-, Hof- und Staats-archiv, Codex 768; 14th century MS.; (2) Vienna, Hofbibliothek or Bibliotheca Palatina, Cod. 464, cent. 14; (3) Rome, Vatican, Cod. 3974; (4) Oxford, Magdalen Coll., Cod. 86, cent. 14 (Riezler translates Wadding's abbreviation of Coll. Mag. wrongly); (5) Turin, Royal Library, Cod. 1416.

<sup>6</sup> In Bibliothèque Nat., MSS. Latin: (6) Cod. 1778, 16, cent. 14; (7) Cod. 15690, cent. 14; (8) Cod. 15869, cent. 14; (9) Cod. 14503, cent. 14; (10) Cod. 14619, cent. 15; (11) 14620, cent. 15. No. 6 comes from the Colbert Library, Nos. 7 and 8 from the Sorbonne, the last three from the Abbey of St. Victor.

<sup>7</sup> Bibliothèque de la Ville: (12) Cod. 19, cent. 14.

<sup>8</sup> British Mus. in MSS. of King's Library (ex Aedibus Jacobeis): (13) Cod. 10 A, XV., cent. 14.

<sup>9</sup> Library of Caius College: (14) Cod. 16.

<sup>10</sup> Bodleian Lib.: (15) Cod. 188, cent. 15.

<sup>11</sup> Bibl. Palat.: (16) Cod. 809, cent. 14; (17) Cod. 4516, cent. 15; (18) Cod. 5369, cent. 15.

<sup>12</sup> Florence, Bibliotheca Laurentiana: Cod. 26, cent. 15.

<sup>13</sup> O. c., pp. 173, 193. Müller in the *Göttinger Gelehrte Anzeigen* for 1883, Vol. II.,

merous editions of the book published in the sixteenth and seventeenth centuries, all of which are mentioned by Riezler.<sup>1</sup>

The other works of Marsiglio, the *De Translatione Imperii*,<sup>2</sup> probably written in 1325 or 1326,<sup>3</sup> and the *Tractatus Consultationis super Divortio Matrimonii*,<sup>4</sup> written in 1342, are of small importance and add little or nothing to the political theories which he had already expressed in the *Defensor Pacis*.<sup>5</sup>

In turning to the life and works of Ockam we find that little has been discovered since the appearance of Riezler's work.<sup>6</sup> Mr. R. L. Poole, in his admirable biography of Ockam written in 1895 for the *Dictionary of National Biography*, has summed up most of the results of recent research on his life, and Mr. A. G. Little has made a partial study of the manuscripts and editions of his works.<sup>7</sup> Of his writings a very large number deal with subjects in logic, philosophy and religious doctrine. The remainder are devoted to attacks on the papacy, and though mainly theological are partly taken up with the exposition of his political ideas. The first of his anti-papal writings appeared very probably in 1330, at the latest in 1332.<sup>8</sup> This was his celebrated *Opus nonaginta Dierum*.<sup>9</sup> This was followed by *Tractatus*

says there is a manuscript of the *Defensor* in Munich, but he is mistaken. There is a manuscript copy (17 cent.) of the 1522 edition in Hanover.

<sup>1</sup> Pp. 193, 194. In his enumeration here he does not mention the edition by Goldast, Hanover, 1613, in Vol. III. of his *Monarchiae S. Rom. Imp.*, nor the two reprints of this at Frankfort in 1621 and 1668, in which the third volume is called Vol. II. It is extremely doubtful whether the edition of Frankfort, 1492, mentioned by A. Hurant (*Thèse sur Marsile de Padoue*, Paris, 1892, p. 22, n. 1), ever existed. It is also mentioned by B. Labanca, *Marsilio da Padova*, Padua, 1882, p. 112. Müller, in *Gött. Gelehrte Anzeigen*, o. c., p. 921 n., says that this is merely the edition of 1592. Similarly doubtful is the edition of 1515, mentioned by P. J. Lelong (*Bibliothèque de la France*, Paris ed., 1768-78, I. 475), under the title of *Opus Insigne*, said to be in fol. Lelong has probably confused this with the edition of 1622.

<sup>2</sup> Goldast, II. 147-153.

<sup>3</sup> Riezler, p. 173.

<sup>4</sup> Goldast, II. 1386; Riezler, 234. For further MSS. and editions of this and the preceding work see Potthast, *Bibl. Hist. Med. Aevi*.

<sup>5</sup> Marsiglio is said to have been the author of some philosophical works. However true this may be, there is a manuscript in the Library of St. Mark, Venice (MS. Latin., Cod. 219) of the *De Reactione* of John of Marliano, in which he argues against the philosophical and other opinions of a certain Marsilius of Padua and others. In the library of Vendôme in France there is a MS. by a certain "Marsilius Paduensum," Magister, and Peter of Tusiguana; MS. Latin., Cod. 245. In a manuscript of the Bodleian Library, Cod. 188, there is a work called the *Defensor minor editus a magistro Marsilio Paduano post Defensorem majorem*. It is a manuscript of the 15th century, is bound with the original *Defensor Pacis* and Marsiglio's *De Translatione Imperii*, and begins, "Quoniam autem in prioribus recitavimus," etc.

<sup>6</sup> Pp. 241-272.

<sup>7</sup> *The Grey Friars in Oxford*, Oxford, 1892, pp. 225-234. Space prevents me from making corrections and additions on Ockam's life and works.

<sup>8</sup> Riezler, p. 243.

<sup>9</sup> Goldast, II. 993-1236.

*de Dogmatibus Johannis XXII. Papæ*<sup>1</sup> in 1333 or 1334;<sup>2</sup> *Epistola ad Fratres Minores in capitulo apud Assisim congregatos* in 1334;<sup>3</sup> *Opusculum adversus Errores Johannis XXII.* in 1335;<sup>4</sup> *Compendium Errorum Johannis XXII. Papæ* between 1335 and 1338;<sup>5</sup> *Tractatus ostendens quod Benedictus papa XII. nonnullas Johannis XXII. Hæreses amplexus est et defendit* about 1338;<sup>6</sup> *Tractatus de Potestate Imperiali* after 1339;<sup>7</sup> *Super Potestate summi Pontificis octo Quæstionum Decisiones* between 1339 and 1342;<sup>8</sup> *Tractatus de Jurisdictione Imperatoris in Causis matrimonialibus* in 1342;<sup>9</sup> *Dialogus* in 1342 or 1343;<sup>1</sup> and *De Electione Caroli IV.* at the beginning of 1348.<sup>11</sup>

Ockam's polemical activity was thus confined between the years 1330 and 1349,<sup>12</sup> and all his works on the church and the state appeared some time after the *Defensor Pacis*. Notwithstanding this fact all of the writers on Marsiglio and Ockam have up to this time declared that the former was very much influenced by the latter in his ideas of church and state.

As to the extent of this influence the various authorities differ. Riezler (p. 35) says that according to Clement VI. "it was Ockam, who was yet teaching in Paris, who exercised such a deep influence on the mind of his Italian colleague." Further on (p. 241), after remarking on the statement of Clement VI. in 1343 that Marsiglio had taken his heretical views from Ockam, he proceeds to speculate as to where this influence had been exercised. Rejecting Munich because Marsiglio had already written his *Defensor Pacis* before he met Ockam there, he decides that Ockam must have met Marsiglio

<sup>1</sup> Ibid., 740-770, thus a part of his *Dialogus*.

<sup>2</sup> Riezler, p. 244.

<sup>3</sup> MS. Lat. 3387, fols. 262-265, Bib. Nat. Paris. Selections are published by Müller in the *Ztschr. f. Kirchengesch.*, 1884, VI. 108-112.

<sup>4</sup> No edition; MS. Latin, 3387, fols. 175-214, Bibl. Nat., Paris.

<sup>5</sup> Goldast, II. 957-976; Riezler, 245.

<sup>6</sup> No edition; MS. Latin. Bibl. Nat., Paris, Cod. 3387, folios 214 verso-262; Little, o. c., 232.

<sup>7</sup> No edition; Vatican Lib., Rome. MS. Latin. Palat. Cod. 679, pt. I, fol. 117; Little, p. 232 ff.

<sup>8</sup> Goldast, II. 313-391; Riezler, p. 250; Müller, II. 88.

<sup>9</sup> Goldast, I. 21-24; Riezler, 254; Poole, *Dict. Nat. Biog.*, p. 359; Müller, o. c., II. p. 161. Some, on insufficient grounds, doubt the authenticity of this.

<sup>10</sup> Goldast, II. 399-739; Riezler, 257.

<sup>11</sup> This is the usual though not the proper title. All that we have of this tract was published by Müller under the title of *Tractat gegen die Unterwerfungsformel Clemens VI.*, Giessen, 1888. Fragments published by C. Höfler in *Aus Avignon in Abhandl. d. königl. böhm. Gesellsch. d. Wiss. v. Jena*, for 1868; Prag, 1869.

<sup>12</sup> The *Disputatio inter Militem et Clericum*, so often attributed to Ockam, is now attributed by almost all authorities to Pierre Dubois, and is said to have been written in 1302. Dorner, however, in his *Das Verhältniss von Kirche u. Staat nach Occam* in *Theolog. Stud. u. Kritiken* for 1885, p. 677, still says, although on insufficient grounds, that it belongs to Ockam. The *Defensorium contra Errores Johannis* can no longer be ascribed to Ockam; Müller, *Zt. f. Kirchengesch.*, VI. 78-82.

in Paris before the writing of the *Defensor* and must there have exercised the influence on his ideas to which Clement refers.

Poole agrees with Riezler that Paris was the place where this influence must have been exercised, and on page 264 of his *Illustrations of the History of Mediaeval Thought*<sup>1</sup> he goes on to say: "At that time" (hence 1312) "William of Ockam held undisputed supremacy over the minds of Parisian scholars, and it is natural to claim the English schoolman as one from whom Marsiglio derived more than the elements of his political, as of his metaphysical ideas." On page 276 he modifies this a little by adding that Marsiglio "went far ahead of his elder contemporary" and "Ockam in his turn fell strongly under the influence of the Italian speculator." On page 278, in a note, he makes a further modification when he says: "There is always a possibility that Marsiglio at an earlier time drew a good deal from Ockam; still the date of the *Defensor Pacis* furnishes a presumption of the former having a priority in his general conclusions." In his later work on Ockam<sup>2</sup> Poole is more decided. On page 357 he says: "Ockam exercised a strong influence upon Marsiglio's political speculations." A little further on he adds: "How far by this time Ockam had advanced in his political speculations need not be defined, though his influence on Marsiglio's *Defensor Pacis*, which was written while he was still at Paris, in 1324, can hardly be doubted."

Dorner<sup>3</sup> and Marcour<sup>4</sup> agree in general with these views. \* Müller is inclined to doubt. Silbernagl in an article in the *Historisches Jahrbuch* for 1896 on *Ockams Ansichten über Kirche und Staat* shows, against them all, that Marsiglio and Ockam have very little, if anything, in common in their ideas of church government and doctrine. In doing this Silbernagl is simply following the lead taken by Wadding<sup>5</sup> and others in the first part of the seventeenth century to prove that Ockam did not write against the faith and authority of the Roman Catholic church, and therefore was not a heretic. But Silbernagl cannot break away from the old idea that Ockam influenced Marsiglio's political ideas. On page 431 (n. 2) he says, referring to the remarks of Clement VI.: "If Clement VI. in his speech says that Marsiglio and many others received their errors from Ockam, this can only refer to the political standing of the papacy and the relation between the pope and the emperor."

<sup>1</sup> London, 1884.

<sup>2</sup> *Dict. Nat. Biog.*, 1895.

<sup>3</sup> O. c., p. 679, n. 1; p. 689, n. 5.

<sup>4</sup> *Anteil der Minoriten am Kampfe zwischen Ludwig von Bayern u. Joh. XXII.*, Emmerich, 1874, p. 30.

<sup>5</sup> *Annales Minorum*, edition by Fonseca, Rome, 1733, VII. 7, VIII. 13 ff.

Before turning to the examination of the foundation for the above statements, we may question some of the facts. There is absolutely no evidence to show that Ockam was the elder of Marsiglio, nor is there any record to show that he taught at Paris. Even if we accept the common tradition which makes him a teacher there, we have absolutely nothing to show us that he and Marsiglio were there at the same time. The supposed intimacy of Marsiglio with Ockam at Paris, or later at Munich, and the harmony which is said to have existed between Marsiglio and Jandum on the one side and the Minorites on the other are not supported by the evident anxiety which Cesena showed in declaring that he had never had anything to do with the heretic Jandum,<sup>1</sup> or by Ockam's clear implication in his *Epistola ad Fratres Minores* that he had never opposed the pope until 1328, and then only on theological and not on political grounds. It is very doubtful if Ockam would ever have opposed the pope had the question of evangelical poverty not been raised. Marsiglio's opposition, on the other hand, was purely political. It would have come whether the religious question had been raised or not. As it is, all the evidence that has been produced to show that Ockam influenced Marsiglio's ideas of church and state is the speech<sup>2</sup> of Clement VI., of July 11, 1343, directed against Louis of Bavaria and his supporter, William of Ockam. Here Clement says: "Hoc dicimus propter illum Wilhelmum Occam qui diversos errores contra potestatem et auctoritatem sancte sedis docuit et docet, et ab illo Guillelmo didicit et recepit errores ille Marsilius et multi alii."

The *errores* here referred to, which Marsiglio is accused of borrowing from Ockam, are only those made against the power and authority of the Holy See and have no reference whatever to Marsiglio's purely political ideas. The *errores*, however, may include his opinions on the church and on the relations between the church and the state. As Silbernagl has shown that Marsiglio did not borrow any of his errors on the church from Ockam, all that we need concern ourselves with here are their ideas on the relations between church and state. In this respect Marsiglio may have borrowed in any of his three works. We may at once put aside the *De Translatione Imperii*, because with few changes it is merely the *De Translatione Imperii* of Landulf of Colonna put into a new form. The same may be done with his tract on divorce. Marsiglio here shows himself more advanced than does Ockam in his tract on the same subject, although, as is natural, they have many ideas in common. If there were any borrowing, it is impossible to say which

<sup>1</sup> Preger, *Kirchenpolit. Kampf unter Ludwig*, Beilage I. p. 65.

<sup>2</sup> Printed in Höfler, o. c., p. 20.

one took his ideas from the other, because both wrote their tracts on this subject in the same year and it is not known which appeared first.<sup>1</sup> The elimination of these two works of Marsiglio leaves the *Defensor Pacis* as the only possible one in which the theories borrowed from Ockam may be found.

To find them it is necessary to compare the works of the two men. This comparison presents two great difficulties, the prolixity of Marsiglio and the obscurity of Ockam. From the unnecessary profuseness of Marsiglio, however, we are able to draw well-defined theories of the state, of the church and of their relations to each other. From Ockam, on the other hand, it is at times almost impossible to have a clear idea of his true opinions. This comes, no doubt, from his wish to be non-committal. In the prologue to his *Dialogus* the scholar especially requests the master to give all possible answers to any question he may ask, but to indicate in no way that which is his, for fear that he may be prejudiced in favor of the opinion of his master.<sup>2</sup> The method outlined in this request is one that Ockam follows more or less closely in his most important works.<sup>3</sup>

Dealing primarily with the affairs of the church, Ockam does not, like Marsiglio, devote any considerable portion of his works to the theory of the state. For this it is necessary to search among his opinions on the church and on its relations to the state. According to him all people were originally in a state of nature<sup>4</sup> and lived according to natural and divine law. Natural law<sup>5</sup> is that which coincides with natural reason, that which may exist in an ideal state, such as community of goods, and that which is discovered as reasonable under certain conditions, such as the right to have one's property protected. Divine law is that which is revealed in the Scriptures. In a state of nature and according to natural law all men were free and all property was in common.<sup>6</sup> But man fell from his state of innocence,<sup>7</sup> and for the common good of all mor-

<sup>1</sup>Müller, o.c., II. 161, on doubtful evidence takes the ground that Marsiglio wrote his tract on divorce before Ockam wrote his. As Marsiglio's was too bold Louis accepted Ockam's instead.

<sup>2</sup>Goldast, II. p. 398, line 20: "Peto enim . . . .".

<sup>3</sup>Ibid; *Octo Quaestiones*, p. 314, l. 27, "Ea propter quia sequens . . . ."; *Opus nonaginta Dierum*, p. 993, line 31, "Diligenter itaque . . . .".

<sup>4</sup>*Dialogus*, Goldast, II. 932, l. 58, "statu naturae."

<sup>5</sup>Ibid., lines 53 ff. I hesitate to say that Ockam believed in the idea of equality, for fear "civil equality" might be understood. Here are his words: "Omnes homines natura sunt pares: puta in his, quae pertinent ad corporis sustentationem, et prolis generationem, sicut de matrimonio contrahendo, vel virginitate servanda, vel aliquo huiusmodi," *Dial.*, p. 893, l. 3; "homo homini obedire non tenetur, sed soli Deo," Ibid.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid., "lapsus," and *Opus nonaginta Dierum*, p. 1144, l. 20, and p. 1073, lines 2 ff.

tals it was necessary to constitute the state.<sup>1</sup> This was done by a general compact of human society;<sup>2</sup> a prince was elected, and the members bound themselves to obey him in those things which were for the common good. As much liberty was left to the individual as was consistent with the common good of all.<sup>3</sup> Thus he was not to be deprived of his life or of the liberty of his person.<sup>4</sup>

With the constitution of the state came the making of human or civil laws.<sup>5</sup> By them was instituted the right of property,<sup>6</sup> and the right of property once existing, the right to be secure in the possession of it naturally followed.<sup>7</sup> The making of laws belongs to all mortals, for that which touches all must be acted on by all.<sup>8</sup> They can, however, delegate this right to certain persons, such as the prince.<sup>9</sup> In doing this they give him only such rights as they themselves have.<sup>10</sup> If he oversteps the rights thus given, that is, if he does anything which is contrary to divine law or natural law, or the common good, men may refuse to obey.<sup>11</sup> If he tries to force them, the community may depose him<sup>12</sup> and the ordinary man may use his sword against him.<sup>13</sup>

The prince as representative of the people acts for the common good of all.<sup>14</sup> Thus it is his duty to punish delinquents acting against the laws which are for the common well-being.<sup>15</sup> He may also dispose of the property of another or collect taxes on it if this is for the common good.<sup>16</sup> In the same interest, and acting for the community, he may appoint his own successor, but in the last instance this rests with the people.<sup>17</sup> Since the state and its laws do

<sup>1</sup> *Octo Qu.*, p. 351, l. 39, and p. 352.

<sup>2</sup> "Generale pactum societatis humanæ," *Dial.*, p. 924, l. 60.

<sup>3</sup> *Ibid.*, and *Octo Qu.*, p. 386, lines 5 ff.

<sup>4</sup> *Dial.*, p. 932, l. 64.

<sup>5</sup> *Ibid.*, p. 924, l. 18.

<sup>6</sup> *Opus nonaginta Dierum*, p. 1143, l. 19 ff.; *Octo Qu.*, p. 386, l. 5 ff.

<sup>7</sup> *Dial.*, p. 932.

<sup>8</sup> "Quod omnes tangit debet tractari per omnes," *Ibid.*, 934, l. 15. Ockam borrows this from a commentary on the canon law; *Ibid.*, p. 604, l. 32 ff.; cf. A. Friedberg, *Corpus Juris Canonici*, Leipzig, 1879, I. 338, C. IV. This same principle is found in Bracton's *De Legibus* and in the summons of Edward I. to his bishops in 1295; cf. Stubbs, *Select Charters*, Oxford, 1874, p. 485, "quod omnes tangit ab omnibus approbetur."

<sup>9</sup> *Dial.*, p. 934, l. 15 ff.

<sup>10</sup> *Dial.*, p. 923, l. 25 ff.

<sup>11</sup> *Dial.*, p. 924, l. 50.

<sup>12</sup> P. 878, l. 45, and the general principle: "Omnis res per quascumque causas nascitur per easdem resolvitur." *Octo Qu.*, p. 341, l. 15.

<sup>13</sup> *Octo Qu.*, p. 385, l. 28. Compare this with Aquinas *De Regimine Principum*.

<sup>14</sup> *Dial.*, p. 902, l. 1 ff., p. 722, l. 17.

<sup>15</sup> *Octo Qu.*, p. 351, l. 35.

<sup>16</sup> *Dial.*, p. 920, l. 45, p. 921, l. 2.

<sup>17</sup> *Octo Qu.*, p. 382.

not depend on belief, it is the duty of the prince to protect unbelievers as well as believers.<sup>1</sup>

As to the form of government, Ockam prefers monarchy as that best able to keep peace in the world.<sup>2</sup> This monarchy should be elective,<sup>3</sup> and if possible should be world-wide, for unity prevents sedition and discord.<sup>4</sup> From this we can see that Ockam entertained the mediæval idea of the Empire. He saw that the "Universal Monarchy" did not exist, but he hoped that it would be realized, and believed at least that the imperial authority had been transferred legally to the Germans.<sup>5</sup> The emperor who was elected by them, or rather by their representatives, the electoral princes,<sup>6</sup> was head of the empire, as it used to exist under the Romans.<sup>7</sup> If in actual fact France and the other countries did not seem to be a part of the empire, this was not because they refused to acknowledge it, but because the emperor was ignorant of his true rights or neglected to assert them.<sup>8</sup> Thus the emperor was not doing his duty, for he should hold fast his sovereignty over all princes.<sup>9</sup> The Roman Empire was established by the consent of all the people<sup>10</sup> and it cannot be diminished or divided without the same consent.<sup>11</sup>

In stating his theory of the state Ockam followed the Scriptures very closely. Marsiglio, on the other hand, almost wholly neglects them and draws the larger part of his ideas from Aristotle's *Politics*. The state according to Marsiglio is a complete community existing for the good of the people.<sup>12</sup> It had its origin in the union of man and woman. From this union came the family, from one family came many families, then the town and then many towns. In the family had grown up certain laws and customs. As the towns increased in number there arose relations between them, and the necessity of having somebody to look after them. In these communities one man ruled because there was no great number of learned men.<sup>13</sup> But this man was no greater than the others, for one man can be prince and shepherd at the same time, like Abraham.<sup>14</sup>

<sup>1</sup> *Octo Qu.*, p. 325, p. 326.

<sup>2</sup> *Dial.*, p. 871. *Octo Qu.*, p. 350.

<sup>3</sup> *Dial.*, pp. 871 ff.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Octo Qu.*, p. 366 ff. *Dial.*, p. 899 ff.

<sup>6</sup> *Dial.*, pp. 899 ff.

<sup>7</sup> *Ibid.* and *Octo Qu.*, p. 382, l. 30 ff.

<sup>8</sup> *Dial.*, p. 908.

<sup>9</sup> *Ibid.*, l. 41.

<sup>10</sup> *Ibid.*, p. 902, l. 1 ff.

<sup>11</sup> *Ibid.*, l. 12.

<sup>12</sup> *Def. Pacis* in Goldast, II. 157, l. 45 ff.

<sup>13</sup> *Ibid.*, l. 2 ff.

<sup>14</sup> *Ibid.*, l. 33.



The prince was put at the head through the act of election by the community of the people, and all the authority that he has he receives from them.<sup>1</sup> They as the supreme power in the state make all the laws.<sup>2</sup> If there is a dispute the majority rules.<sup>3</sup> Minors, slaves, foreigners and women are not allowed to form a part of the assembly or lawmaking body. In this body every man has the right of proposing a law. If this proves impracticable the assembly may elect a body of wise men whose duty it shall be to prepare the laws and lay them before the assembly for its discussion and approval.<sup>4</sup>

The prince or governor, as representative of the community, is only the executive instrument of the lawgiving body.<sup>5</sup> He must use his authority in ways prescribed by law and through officers chosen by the lawgiver. Thus a prince may have the general supervision over the number of people to be allowed to enter a certain class in the state, but it belongs to the lawgiver to decide what that number shall be, and what shall be the duties of the executive and of the judicial powers in a state.<sup>6</sup> To enforce the laws and to see justice done the prince must have coercive power in the form of a small number of armed men. The number must be large enough to compel one or several citizens to do their duty, but yet not large enough to permit the prince to become despotic.<sup>7</sup> If the prince oversteps his powers or disobeys the laws he can be punished and deposed by the lawgiver. Small offences must be passed over. At the same time the faults by which he is likely to render himself liable to deposition should be defined as thoroughly as possible.<sup>8</sup>

Marsiglio prefers monarchy to other forms of government, because under one ruling power peace is more likely to prevail than under several. Of the different kinds of monarchies he prefers the elective monarchy, because the reason why one should be prince is not relationship to his predecessor (through which there is a similarity of body rather than mind), but a perfect character.<sup>9</sup> Of the efficacy of a universal monarchy he is in doubt,<sup>10</sup> though he shows elsewhere that he had the common conception of the translation of the Empire from the Romans to the Germans.<sup>11</sup>

Marsiglio has a well-defined idea of toleration for, according to him, no one, not even a believer, much less an unbeliever, can be compelled by the church to follow the precepts of evangelical law.<sup>12</sup>

<sup>1</sup> P. 175, l. 32.

<sup>2</sup> P. 169, l. 56.

<sup>3</sup> Ibid., ff.

<sup>4</sup> Pp. 171-173, l. 10.

<sup>5</sup> P. 175, l. 63.

<sup>6</sup> Pp. 176, 177; p. 167, l. 25.

<sup>7</sup> P. 174, l. 45 ff.

<sup>8</sup> P. 185, l. 20 ff.

<sup>9</sup> P. 182, l. 17 ff.

<sup>10</sup> P. 184, l. 12 ff.

<sup>11</sup> *De Translatione Imperii*.

<sup>12</sup> P. 213, l. 45; p. 217, l. 33.

Marsiglio's idea of toleration differs from Ockam's, inasmuch as it not only suggests protection to both unbelievers and believers, but also disapproves and prohibits the punishment of heretics, unless heresy is against the laws of the state. He does not say that the state ought not to make laws against heresy, although he implies it. But it is unnecessary to state the differences between the theories of Ockam and those of Marsiglio. It will easily be seen that they have almost nothing in common. Ockam had no clear idea of toleration. His theory of the right of revolution, which is very similar to that of Aquinas, makes every man his own judge in regard to the wrong-doings of the prince and thus makes the existence of the state precarious. The only ideas which the two men had in common were those concerning the Empire. Marsiglio drew his theories on this subject from Landulf of Colonna, while Ockam seems to have followed very closely the *De Monarchia* of Dante. Marsiglio, like Ockam, believed in the fiction which made the electoral princes representatives of the people.<sup>1</sup>

In their ideas of the church, as in those of the state, the two men had very little in common, as Silbernagl has well proved. The same may be said in regard to their theories on the relations of church and state. About these two institutions Ockam adopts a theory similar to that of Dante. The two bodies exist side by side, each doing good for the community in its own proper sphere. Religion in itself is higher than mere earthly things<sup>2</sup> and in this respect the state and church may be compared to body and soul, the pope and the emperor to the sun and the moon,<sup>3</sup> or to father and son.<sup>4</sup> Each has relations to the other, but each must be given its own proper functions. The emperor is supreme in temporal affairs and the pope in spiritual, and as a general rule neither must interfere with the other. In exceptional cases, however, each may interfere in the domain of the other. This is because both are representatives of the people and each may see to it that the other is doing his duty towards the common weal.<sup>5</sup>

Thus the emperor may interfere in and carry out the election of the pope if the cardinals are heretical.<sup>6</sup> To do this, however, the emperor must be a Christian and Catholic prince and not himself a heretic.<sup>7</sup> If the pope is guilty of heresy, and remains incorrigible

<sup>1</sup> *Def. Pacis*, p. 282, l. 50; p. 281, l. 58.

<sup>2</sup> *Dial.*, p. 893, l. 58. *Octo Qu.* p. 331, ll. 10-20.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Octo Qu.*, p. 344, l. 43 ff.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Dial.*, p. 955, l. 24 ff.

<sup>7</sup> *Ibid.*, p. 931, l. 30 ff. and p. 932.

and refuses to permit an inquisition of his opinions to be held, and if in such a case the ecclesiastical authority refuses to take action, the emperor, be he heretic or not, may depose him.<sup>1</sup> For a Christian prince should look after the spiritual welfare of his people,<sup>2</sup> but even an unbelieving prince may interfere in ecclesiastical affairs in so far as they touch the well-being of the state.<sup>3</sup> In accordance with this same principle the pope, like any other ecclesiastic, must undergo trial before a secular court if he commits a temporal crime.<sup>4</sup> All worldly affairs of spiritual persons come properly before the temporal judge.<sup>5</sup> Thus disputes between laymen and clerks must be decided in lay courts. The lands and property of the church, inasmuch as they are temporalities, can be taxed by the state and must also be protected by the state.<sup>6</sup> Gifts, therefore, which are made to the church do not pass from under state supervision, for the emperor has the right to tax them and to see that the intentions of the giver are carried out.<sup>7</sup> If the pope or the clergy offer any resistance to the interference of the emperor or the state in those affairs of the church in which they are justly entitled to interfere, force may be employed against them.<sup>8</sup>

Likewise the pope in numerous cases may interfere with the emperor and the affairs of the state. If there is a vacancy in the imperial succession, the pope as representative of the Romans may act as vicar, if there is no one else to do so.<sup>9</sup> In the election of emperor the pope has nothing to say, but he may go through the mere ceremony of anointing and crowning him.<sup>10</sup> If the emperor or his officers do not give justice in temporal affairs, and no one else can or will force them, the pope in his capacity of a citizen and as representative of the people may interfere in the temporal courts and may depose the unjust emperor.<sup>11</sup> If temporal laws and customs are against the well-being of believers, the pope can set them aside.<sup>12</sup> He may also relieve the vassals of the emperor from their oaths, if he can show good reasons why they should keep them no longer.<sup>13</sup> His

<sup>1</sup> *Ibid.*, p. 557, l. 55 ff.; pp. 558, 559 and 561, l. 5 ff.; p. 626, l. 50 ff.

<sup>2</sup> *Octo Qu.*, p. 354, l. 6.

<sup>3</sup> *Dial.*, p. 893, l. 58 ff.

<sup>4</sup> *Octo Qu.*, pp. 332, 333, l. 26 ff.

<sup>5</sup> *Dial.*, pp. 511, 887, 956.

<sup>6</sup> *Octo Qu.*, p. 343, l. 58 ff.; p. 347, l. 60 ff.; *Dial.*, p. 901, line 1 ff.

<sup>7</sup> *Octo Qu.*, p. 343, l. 58 ff.

<sup>8</sup> *Dial.*, p. 558.

<sup>9</sup> *Octo Qu.*, p. 344, l. 62.

<sup>10</sup> *Ibid.*, p. 365, l. 50 ff.; p. 370, l. 17 ff. *Dial.*, p. 925, l. 50 ff.

<sup>11</sup> *Octo Qu.*, p. 327, l. 40; p. 328, l. 40 ff. *Dial.*, p. 908, l. 31 ff.

<sup>12</sup> *Octo Qu.*, pp. 347, 356.

<sup>13</sup> *Dial.*, p. 890.

interference in temporal matters, however, must not be by force of arms, but by teaching and instruction.<sup>1</sup>

The pope and the emperor must each be careful not to overstep their rights in interfering in the domain of the other. Because the pope may have had, and may receive by delegation from the people, the right of electing the emperor on one occasion, he must not think that he is always to have the right.<sup>2</sup> As a priest he must exhort men to obedience, but he must not try to force them.<sup>3</sup> So the prince, who has control over marriage as a partly human institution, must not forget that it is necessary to conform with divine law in this regard.<sup>4</sup> Though he may interfere in church matters as far as they touch temporal interests, he must remember that he has no rights over purely divine institutions such as ordination,<sup>5</sup> and that in spiritual things he owes obedience to the pope.<sup>6</sup>

Ockam's ideas on the relations of church and state become clear if we regard the whole of society as forming two different institutions at different times. To deal with purely earthly matters the whole society becomes a lawgiving body which elects its officers and is what is ordinarily called the state. To deal with spiritual matters the same society becomes a congregation of the faithful, the men who have been officers of the state drop back to their positions of ordinary members of the congregation, and new officers are elected to guide society in its capacity as the church. When society turns to deal with temporal affairs again, the old officers assume power and the officers of society acting as the church return to their positions as subjects and citizens.

Wholly different from this was Marsiglio's idea of church and state. The supreme institution in the world according to him is the state. The state has for itself two duties, one to care for man's well-being in this world, the other to care for his well-being in the next.<sup>7</sup> For the purpose of fulfilling this latter duty the state constituted the class of priests in the same manner that it had constituted the other classes, such as the builders, handiworkers and others.<sup>8</sup> As it can regulate and decide on the number and organization of these<sup>9</sup> classes, so it can determine the number of priests and prescribe the laws for the organization of the priesthood.<sup>10</sup>

<sup>1</sup> *Dial.*, p. 914, l. 18 ff.

<sup>2</sup> *Octo Qu.*, p. 349.

<sup>3</sup> *Dial.*, p. 902, l. 47 ff.

<sup>4</sup> *Dial.*, p. 915, l. 30.

<sup>5</sup> *Ibid.*, p. 929, l. 54 ff.

<sup>6</sup> *Ibid.*, pp. 887-888 and p. 893, l. 58 ff.

<sup>7</sup> *Def. Pacis*, p. 158 (wrongly printed 168), l. 23 ff.

<sup>8</sup> *Ibid.*, l. 45 ff.; p. 160, l. 3 ff.; p. 238, l. 43 ff.

<sup>9</sup> P. 177, 12 ff.; p. 213, l. 2.

<sup>10</sup> P. 249, l. 58 ff.

All priests are equal in power.<sup>1</sup> For reasons of unity and convenience in church organization it may be useful to have one man at the head, such as the pope, with the others under him.<sup>2</sup> But the pope and the bishop have power over the ordinary priest only by virtue of gift from the temporal lawgiver, or its representative, the prince.<sup>3</sup> What the lawgiver has granted, he may also strictly control and may even take away.<sup>4</sup> Thus the legislator shall decide whether a man is qualified for the office of a churchman or not, and what the mode of election and installation of bishops shall be.<sup>5</sup> No bishop, priest or college of priests can come to any church living or office without the consent of the lawgiver or its representative, the prince.<sup>6</sup> To the same body or person belongs the right of urging a priest to his duty,<sup>7</sup> and in case of necessity, of depriving him of his office.<sup>8</sup>

The priesthood so constituted and regulated must teach men the Gospel so as to lead them to future life.<sup>9</sup> In cases of doubt as to the meaning of the Gospel, it is the duty of the lawgiver, or its representative, the prince, to call a general council of all the faithful, or their plenipotentiaries, to decide on the disputed point.<sup>10</sup> The council shall consist of laity as well as clergy, and the prince as representative of the lawgiver shall preside and shall punish the transgressors of its decisions, in so far of course as these transgressions are against temporal law.<sup>11</sup> For not every one who sins against divine laws can be punished by the temporal judge, because very often that which is wrong according to heavenly laws is not against the earthly laws.<sup>12</sup> In common with the lawgiver the general council exercises control over the excommunication of laymen and clergymen and over the administration of church property.<sup>13</sup> If a chief head of the church exists it will be his duty to inform the lawgiver when it is necessary to call a general council. He must then preside at the meetings instead of the prince, must publish the decisions, and must punish transgressors with spiritual censure, but further than this he has no

<sup>1</sup> P. 241, l. 36.

<sup>2</sup> P. 264, l. 39.

<sup>3</sup> P. 263, l. 59.

<sup>4</sup> P. 204, l. 44.

<sup>5</sup> Ibid.

<sup>6</sup> P. 261, l. 60 ff.

<sup>10</sup> P. 261, l. 30. Marsiglio and Ockam agree in general on the council of the faithful. Both give representation to the laity—Ockam even to women. Marsiglio makes it more largely a secular institution than Ockam, because he puts the initiative with the prince. Compare with *Dial.*, pp. 604, 605.

<sup>11</sup> P. 258, l. 55; p. 256, l. 55; p. 253.

<sup>12</sup> P. 217, l. 33 ff.

<sup>13</sup> P. 261, l. 11 ff., l. 40 ff.

<sup>5</sup> P. 249, l. 53; p. 250, l. 5.

<sup>6</sup> P. 251, l. 2, ff.

<sup>7</sup> P. 248, l. 25.

right to go.<sup>1</sup> If he does so, the state or its representative, the prince, or a general council may depose him.<sup>2</sup>

Marsiglio recognizes no rights of the clergy over the prince. The very nature of the priestly office prevents spiritual persons from interfering in temporal affairs. The pope has absolutely no voice in the election of the prince or emperor.<sup>3</sup> Ecclesiastics are subject to the coercive power of the state,<sup>4</sup> but they can exercise no such power themselves.<sup>5</sup> No priest or bishop can ever absolve a subject from his oath of allegiance.<sup>6</sup> If a prince is despotic and tyrannical, it belongs to the laity and not to the clergy to correct him.

Though Marsiglio's theories on the church and the state seem entirely contrary to the histories of those two institutions, he readily believed that his ideas agreed with the facts. With the purpose of showing their agreement he devoted a considerable portion of his work to tracing the origin and history of the church.<sup>7</sup> As regards the state, he must have seen that, as it existed when he wrote, it was nowise like his ideas of it, and yet he tried to harmonize the Empire of the Middle Ages with his theories of the state.

He has been accused, and justly, of using Aristotle too freely. As an Italian Marsiglio was more or less familiar with the city republics of his country, and it was natural to adopt Aristotle's idea of the city-state. It was in the application of Aristotle's theories to the conditions of the mediæval church and state that Marsiglio's originality lay. As Riezler very happily puts it: "On borrowed foundations he erected a new structure."

As Marsiglio borrowed from Aristotle, so Ockam borrowed from the Bible. The Middle Ages were not noted for originality of conception, and neither of these men was an exception to the rule. Taking their ideas from different sources, however, their theories of church and state are totally different. It cannot be denied that in many minor points, such as the control over excommunication, they are in agreement.<sup>8</sup> In the essential, in the foundations of their theories, they are opposed. It is thus with their ideas of the origin of

<sup>1</sup> P. 264, l. 39.

<sup>2</sup> P. 282.

<sup>3</sup> Ibid. and p. 312, l. 30.

<sup>4</sup> P. 211.

<sup>5</sup> P. 217, 242. It is hardly surprising that L. E. Du Pin, in his *Hist. Eccles.*, Paris, 1726, *sub anno* 1328, thinks that Marsiglio was right in attacking the corruptions of the church, but went altogether too far.

<sup>6</sup> P. 285.

<sup>7</sup> Book II., chapters 18, 22, 25.

<sup>8</sup> *Def. Pacis*, p. 261, l. 11. *Dial.*, p. 484, l. 40 ff. Numerous minor points could be mentioned on which they are in agreement, such as the taxation of Church property, the constitution and powers of a general council, etc. Many could also be shown in which they disagreed, such as the determination of the number of priests allowed to enter the priesthood, the power over the oaths of allegiance, etc. Such cases of agreement are inevitable. It has been our object here to bring out only the important points.

the state, of the right to depose the prince, and of the right of the head of the church to interfere in the government of the state. So entirely opposed are the theories of the two men, so totally different are their conceptions of the church and the state that it is difficult to see on what grounds Clement VI. accused Marsiglio of borrowing from Ockam. An accusation made with so little foundation is open to suspicion and leads us to question not only the authority of Clement, but also the nature of the speech in which the accusation is contained.

When Clement made his speech of July 11, 1343, Marsiglio was already dead. As he was desirous of making his charges against Ockam as strong as possible, nothing was more natural than that he, regardless of the truth of the matter, should make Ockam responsible for the errors of the "worst of heretics."<sup>1</sup> After the same manner and with just as little foundation, Gregory XI. accused Wiclif of borrowing his heretical ideas from Marsiglio,<sup>2</sup> and Albert Pighio accused Luther of doing the same.<sup>3</sup> Pighio, looking on Marsiglio as the representative of direct heresy, accused him of having a companion in the person of Ockam.<sup>4</sup> In addition to this we have a bull of January 21, 1331,<sup>5</sup> by John XXII. in direct conflict with the words of his successor Clement. Here John accuses the Minorites, among whom Raynaldus puts Cesena, Ockam and Bonagratia, of borrowing the heresies of Marsiglio, which had already been condemned by a bull of October 23, 1327.<sup>6</sup> Among these borrowed heresies is the opinion that "the emperor can depose the pope," of which Cesena, Ockam and others were accused in a bull of January 4, 1331.<sup>7</sup> In face of such contradictory evidence Clement's statement is of very little value.<sup>8</sup>

JAMES SULLIVAN.

(To be continued.)

<sup>1</sup> Speech of April 10, 1343, in Höfler, o. c., p. 20.

<sup>2</sup> Walsingham, *Historia Anglicana*, I. 345 ff., edition of 1863, Rolls Series. Rashdall, *Universities in the Middle Ages*, 1895, II. 540, n. i., says these were Ockam's theories which Gregory condemned because Marsiglio and Jandum were Ockam's disciples." (?)

<sup>3</sup> *Hierarchia ecclesiastica Assertio*, fol. 239 v<sup>o</sup>, ed. 1544, Cologne, and p. 4 of the *Epistola Nuncupatoria*.

<sup>4</sup> *Ibid.*, fol. 301.

<sup>5</sup> Raynaldus, *Annales Eccles.*, ed. Mansi, Lucca, 1750, V. 24, *sub anno* 1331, §§ I., II.

<sup>6</sup> Martène et Durand, o. c., II. 704.

<sup>7</sup> Martène et Durand, o. c., II. 828.

<sup>8</sup> Articles on Ockam in the *Amer. Church Rev.*, 1873, and on "Ockam and the English Reformation" in the *British Quarterly Rev.*, 1872, I have been unable to consult.

## DIPLOMATIC MISSIONS TO THE COURT OF CHINA

### THE KOTOW QUESTION.

#### I.

THROUGHOUT the East and, in fact, the world over until comparatively recent times, embassies were only sent by weaker powers to mightier ones, to crave protection, to solicit trading privileges, to ask assistance against enemies, or to bring the gifts due to a sovereign from a vassal or tributary state. This is well pointed out by La Loubère :<sup>1</sup> "An ambassador throughout the Orient," he says, "is nothing but a king's messenger ; he does not represent his master. The honors shown him are but slight compared to the marks of respect shown the letter of credence he bears. . . . So any man who is the bearer of a king's letter is considered an ambassador throughout the East. Thus when the Persian ambassador, whom Mons. de Chaumont left in Siam, died at Tenasserim, the servants having chosen one of their number to take to the King of Siam the letter of the King of Persia, he who was thus chosen was received without other credentials, as would have been the real ambassador, and with the same honors as previously the King of Persia had shown the ambassador of Siam.

"But that in particular in which they treat an ambassador as a simple messenger is that the King of Siam in the audience of leave gives him a receipt for the letter he has received from him ; and if this prince sends answer he does not give it to him, but sends with him his own ambassadors to carry it."

Napoleon I. professed nearly the Asiatic theory on this point when he said that "Ambassadors are not equal to, nor do they represent their sovereigns ; sovereigns have never treated them as equals. The false idea that they represent their sovereigns is a tradition of the feudal customs, under which a great vassal at the rendering of homage was represented by an ambassador who received the same honors due his master."<sup>2</sup>

<sup>1</sup> *Description du Royaume de Siam*, I. 327-329.

<sup>2</sup> Barry O'Meara, *Napoleon in Exile*, II. 112. Pradier Fodéré, *Cours de Droit diplomatique*, I. 272, says, "Observons toutefois que la représentation n'est pas complète, car, quelque honneur qu'on rende à un ambassadeur, on ne peut jamais le traiter comme on traiterait un souverain en personne."



It is not surprising to find that throughout the history of the intercourse of the West with the East, there should have been constant misunderstanding on the part of the Orientals as to the intention of the princes whose ambassadors they were receiving, and the duties of the envoys themselves, especially in regard to performing the prostrations prescribed by Oriental etiquette, but which for centuries past had been reserved in Europe for the divinity alone. Notwithstanding these oriental views, which must have been well known to the Western world from the earliest periods, mission to the court of the ruler of China followed mission from the thirteenth to the present century, and on nearly every occasion the envoys were slighted, to their minds at least, and their master's intentions misinterpreted. China, in fact, has only realized within the last fifty years that the old theory concerning embassies and foreign envoys was no longer tenable, in all its force, and it is only since 1873 that foreign envoys have been received as the representatives of independent sovereigns and the prostration or *ko-t'ou* before the Emperor has been dispensed with in their case. It is my purpose in the following paper to show some of the phases of this long and hard-fought battle between Oriental and Western etiquette, which is still far from being decided in some corners of the world.<sup>1</sup>

Cornelius Nepos, referring to the visit of Themistocles to the court of Susa, says that though many Greeks had gone to the Persian court, very few had ever submitted to the ceremonials practised there. Thus when Conon was sent to Artaxerxes, he was told that unless he did homage to the King by prostrating himself before him he could not be granted an audience, and must communicate with him in writing. Conon, we are told, replied, "So far as I am personally concerned I see nothing very serious in this method of doing honor to the King, but I fear it will be a reproach to my country, if, when I am sent as an envoy by a state which is used to command others, I conduct myself after the usage of foreign nations rather than my own," and he transacted his business with the King in writing.<sup>2</sup>

A still more striking instance of courage in refusing to comply with the ceremonial of the Persian court is told by Herodotus.<sup>3</sup> Xerxes had sent two heralds to Sparta to demand of it earth and

<sup>1</sup> In Morocco, for instance. In 1894, when Mr. Ernest M. Satow, H.B.M. Minister to Morocco, was accorded an audience at Fez, he stood bareheaded while addressing the Sultan, who was on horseback, and he had to treat the viziers with similar deference. Until within the last few years the French Minister has had to submit to the same humiliating etiquette. See *Imperial and Asiatic Quarterly Review*, 1895, 62.

<sup>2</sup> Corn. Nepos, *Conon*, c. III.

<sup>3</sup> Rawlinson's trans., VII. 134-136.

water in token of its submission to the great King, but they were thrown into a well and told to take therefrom earth and water for themselves and carry it to their King. But the Spartans shortly after repented of this deed and made proclamation through the town. "Was any Lacedæmonian willing to give his life for Sparta?" Upon this two Spartans, Sperthias and Bulis, offered themselves as an atonement to Xerxes for the murder of his heralds. When they had come into the King's presence at Susa they were ordered to prostrate themselves before him. Though the guards tried to force them, yet they refused, saying that they would never do such a thing, even were their heads thrust down to the ground; it was not their custom to worship men and they had not come to Persia for that purpose.

When Alexander became King of Persia he adopted at his court the ceremonial of that country and would have himself worshipped, not only in Asia, but even in Macedonia. His claim to divinity and his demand for oriental obeisances from his subjects were met with ill-disguised scorn and anger by all Greeks and many of the foremost among them, as Callisthenes, refused to perform the, to them, humiliating prostration.<sup>1</sup>

Among the few Greeks who visited the court of Persia and who prostrated themselves before the King we find Timagoras, who was sent on a mission to Darius and was punished with death on his return to Athens for having humbled his country by this slavish act, and Themistocles, who, when seeking a refuge at the court of Artaxerxes, saw nothing debasing in complying with the usages of the Persian court, much to the astonishment of the officer who first told him of the imperative necessity of his prostrating himself before the King.<sup>2</sup>

Though, according to certain writers, no mention is found of persons prostrating themselves on their faces before the sovereigns of early China, still I am inclined to think that this custom must have existed in some form in that country from the earliest and least civilized periods, as it certainly did in India centuries before our era. However this may be, we do not hear of any difficulties having been raised against performing the prostrations required by the ceremonial usages of the court of China by any of the foreign missions sent there from the West until the eighth century of our era, when an envoy from the Calif Walid came, about the year 713, to offer presents to the Emperor Yuan-tsung of the T'ang. He asked to be exempted from prostrating himself at the audience with

<sup>1</sup> Arrian, *Exp. Alex.*, IV. 10-12.

<sup>2</sup> Plutarch, *Themistocles*, XXVII.

the Emperor, saying: "In my country we only bow to God, never to a Prince." He was at once handed over to the tribunals as worthy of death for seeking to commit an unpardonable breach of the usages of the country, but the Emperor graciously pardoned him at the intercession of one of his ministers, who said that a difference in the court etiquette of foreign countries ought not to be considered a crime.<sup>1</sup> The envoys of Harun-el-rashid to the Emperor Tē-tsung of the T'ang, who visited China in 798, went through the ceremony, apparently without protest, and were treated with the greatest distinction and consideration.

With the spread of Mongol power in western Asia, the relation between Europe and the masters of China became quite intimate, and numerous missions were sent to China by European potentates. In 1245 Pope Innocent IV. sent two embassies to the Tartars exhorting them to embrace the Christian faith. The one under friar Ascelin went to the camp of Batu somewhere in Armenia or Persia. From the first the envoy and the Mongols misunderstood each other. They asked Ascelin if he was not aware that the great Emperor of the Mongols, their Khakhan, was the Son of Heaven, the usual Chinese name for Emperor, to which the friar undiplomatically answered "no," adding that the Pope was the highest of all human sovereigns.<sup>2</sup> This naturally irritated the Mongols, and when they asked him what presents he brought and he replied "none," they were enraged. To cap the climax, Ascelin refused to prostrate himself before Batu, and the suggestion was promptly made to flay the insolent friar, stuff his skin with straw and send it back to those who had sent him. He was, however, saved by the intercession of the wife of the chief, and ultimately sent home with two Mongol envoys bearing a letter to the Pope from the Khakhan.<sup>3</sup>

The other envoy of Innocent was Laurent of Portugal, who was sent first to Batu Khan and by him to the court of the Khakhan. This envoy was present at the election of Kuyuk Khan in August, 1246, and was granted audience by him, together with two Kings of Georgia, Ieroslav, Duke of Susdal in Russia, and a great concourse of emirs and sultans from various parts of Asia, in all some four thousand ambassadors, we are told, a noble gathering, beside which

<sup>1</sup> *T'ang shu*, Bk. 221, as quoted by Abel Rémusat, *Mélanges Asiatiques*, I. 441. E. Bretschneider, *On the Knowledge of Ancient China of the Arabs*, etc., 8.

<sup>2</sup> This reminds us of the letter addressed by the Emperor of Japan in A. D. 600 to the Emperor Wen-ti of the Sui dynasty, which began: "The Son of Heaven of the country of the rising sun, to the Son of Heaven of the country of the setting sun." The Chinese Emperor was so indignant at this that he ordered the letters returned to the sender. See Amiot, *Mémoires concernant les Chinois*, XIV. 58.

<sup>3</sup> Abel Rémusat, *Hist. des Relations politiques des Princes Chrétiens avec les Empereurs Mongols*, in *Mém. Acad. Inscr. et Belles Lettres*, VI. 419-427.

our modern diplomatic corps, at the largest capitals, sink into utter insignificance.

The prothonotary Chingay took down the names and titles of each of the envoys, and of the persons of their suite, also the names of those who had sent them, and these he cried out aloud before they entered the imperial tent. Then they bent their left knees four times,<sup>1</sup> and were searched to see that they carried no concealed weapons. After this they entered the Khakhan's presence from the east, for none but the Emperor might enter this tent coming from the west.<sup>2</sup> This was the simple ceremonial of this great audience.

This embassy was better treated than that of friar Ascelin, so far as demanding of it compliance with the ceremonial of the Mongol court was concerned, on account of the religious character of the envoys, all of whom were friars. This difference was fully recognized by the Mongols, since all monks in Asia, as in Europe at that time, were exempted from prostrating themselves before laymen.<sup>3</sup>

Two years later, in 1248, St. Louis sent friar André as his envoy to the court of Karakorum with letters to the Great Khan, and presents, among which was a "chapel in scarlet cloth," all the various ornaments for church worship and a piece of the true cross. The envoy was received with honor, but it was immediately given out that the King of France had submitted to Mongol rule and sent gifts in token of his allegiance.<sup>4</sup>

Although nothing was accomplished by this mission of friar André, the object of which was to exhort the Mongol princes to

<sup>1</sup> Marco Polo, speaking of the ceremonial at the court of Kublai, says, "And when they are all seated, each in his proper place, then a great prelate rises and says with a loud voice: 'Bow and adore!' And as soon as he has said this, the company bow down until their foreheads touch the earth in adoration towards the Emperor, as if he were a god. And this adoration they repeat four times." Yule's *Marco Polo*, 2d edit., I. 378.

<sup>2</sup> Plano Carpini, *Historia Mongalorum* (edit. Soc. Géog. Paris), 754-761.

<sup>3</sup> Rubruk, when questioned as to the ceremonial he would follow when admitted to the Khakhan's presence, referred to this privilege of monks in Europe, and it was apparently conceded him by the Mongols. The Tao-ssu Ch'ang-ch'un, who was received in 1222 by Chinghis Khan, says, "It must be said here that the professors of the *Tao*, when presented to the Emperor, were never required to fall upon their knees or to bend their heads to the ground. On entering the imperial tent they only made a bow and placed their hands together." Bretschneider, *Chinese Medieval Travelers to the West*, p. 47. See also Du Halde, *Description de l'Empire de la Chine*, IV. 269.

<sup>4</sup> Abel Rémusat, *Op. sup. cit.*, 445-449. As bearing on the subject I may mention here that Plano Carpini (*Op. sup. cit.*, 621) relates that when Michel, one of the principal chiefs of the Russians, went to give himself up a prisoner to Batu, he was first obliged to pass between two fires, to purify himself of all evil influences surrounding him, and then he was told to bow to the South to Genghis Khan. He replied that he was willing to bow before Batu and even his servants, but that he would not bow to the image of a dead man, for Christians were not allowed so to do. They repeated the order to him and he still refusing to comply with it, saying that he would rather die than do so, a guard transfixed him with his sword, and he died.

enter the Christian fold, St. Louis sent another in 1253 to Mangu Khan for the same purpose. Realizing, however, the mistake he had made in 1248 in attributing an official character to his envoy, he ordered the head of the mission, the Flemish Franciscan friar, William Ruysbroek, or Rubruk, to conceal carefully his true character, and to represent himself only in that of an itinerant preaching friar. The story of his audience with Mangu Khan, whom he found not far from his capital of Karakorum, as told by himself in his *Itinerarium*, is worth quoting.

"We were asked what reverence we would pay the Chan, whether after our own fashion or theirs. To which I made answer: 'We are priests dedicated to the service of God. Noblemen in our own country will not suffer priests to bow their knees before them, for the honor of God. Nevertheless we will humble ourselves to all men for the Lord's sake. We came from a far country, so if it please ye, we will first sing praises unto God, who hath brought us safe hither from afar, and afterwards we will do whatsoever pleaseth your Lord, with this exception, that he command nothing of us which may be against the worship and honor of God.'

"They then entered into the house and delivered what I had said. And it pleased the Lord, and they set us before the entrance of the house, lifting up the felt which hung before the door, and because it was Christmas we began to sing: 'A solis ortus cardine,' etc.

"And when we had sung this hymn they searched us to see we had no knives about us. They made our interpreter ungird himself and leave his girdle and his knife without, in the custody of a doorkeeper. Then we entered, and there stood in the entrance a bench with cosmos (*kumiss*) on it, beside which they made our interpreter stand, and carried us to sit upon a form before the ladies. The whole house was hung with cloth of gold, and on a hearth, in the middle of the house, there was a fire made of thorns and wormwood roots (which grow there very big) and ox-dung. The Chan sat upon a bed covered with a spotted skin, or fur, bright and shining like a seal's skin (*bos marinus*). He was a flat-nosed man, of middle stature, about the age of five and forty, and a little young woman, his wife, sat by him, and one of his daughters, whose name was Cirina, a hard-favored young woman, with other children that were younger, sat next unto them upon a bed. . . . .

"He commanded drink of rice to be given us, clear and good as white wine; whereof I tasted a little for reverence of him, and our interpreter, to our misfortune, stood by the butlers who gave him much drink, so that he was quickly drunk. . . . After a long time he commanded us to speak. We were then to bow the knee." Then Rubruk disclosed the object of his coming and the Khan made a short bombastic answer. "Hitherto," adds friar William, "I understood my interpreter, but further I could not perceive any perfect sentence, whereby I easily found he was drunk, and Mangu Chan himself was drunk too, at least I thought so."<sup>1</sup>

The next embassy of which we hear as having refused to comply with the ceremonial in force at the Mongol court was that sent

<sup>1</sup> Rubruk, *Itinerarium* (edit. Soc. Géog. Paris), 304-308.

by Philip the Fair of France in 1288 to Argun, the Mongol ruler of Persia. The names of the ambassadors have not reached us, but we are told of them that they behaved with great arrogance. They refused to render the King of Persia the homage expected of them, because he was not a Christian. They would be remiss in their duty to their Master, they said, if they consented to prostrate themselves before the king, as he three times asked them to do. Argun, however, finally received them and treated them even with great courtesy. The next year, however, his ambassador to Pope Nicholas IV. called the attention of the King of France, in a most diplomatic way, to this unseemly conduct on the part of his envoys. If the King of France had directed his ambassadors to conduct themselves in the way they had done with Argun, he was content, "for what pleases you pleases him." If, however, the King should send back these envoys or others, he begged Philip to allow and direct them to make the King of Persia such reverence and honor as is customary and in usage at his court. In consideration of this they would be dispensed with passing through fire,<sup>1</sup> a Tartar custom by which all new comers at court, be they princes or envoys, together with all the presents they brought with them were obliged to pass between two big fires; by so doing, all evil influences or ill luck which they bore with them were driven away. This was the first diplomatic victory of the West over the East and the last one recorded for many centuries to come.

Though the next mission of interest to us to the Chinese court was not one from a European power, it is nevertheless well worth noticing, as it presents the earliest account at present accessible of the ceremonies attending the reception of foreign envoys, and shows that already in the fifteenth century the etiquette at the court of the Emperor of China was practically the same as at the present day.

In 1419 Shah Rukh,<sup>2</sup> the son of Tamerlane, sent an embassy from Herat to the court of the Emperor Yung-lo of the Ming. It was joined on the way by envoys from Samarkand, Badakshan and other countries, and together they traveled to Peking, in company of some returning Chinese envoys, arriving in the Chinese capital in 1420. They reached the city during the night and, the gates being

<sup>1</sup> Abel Rémusat, *Op. sup. cit.*, 361-378. On this custom see Plano Carpini, *Op. sup. cit.*, 625, 627, also D'Ohsson, *Hist. des Mongols*, II. 210. It is still observed in shamanistic ceremonies in parts of Siberia. See Prof. V. M. Mikhailov in *Journ. Anthropol. Inst.*, XXIV. 89.

<sup>2</sup> Thévenot, *Relations de divers Voyages curieux*, II. See also Étienne Quatremère, *Notices et Extraits*, XIV., pt. I., 387 et seq., and H. Yule, *Cathay and the Way thither*, I., cxix. et seq. On the palace of Peking in the Yuan and Ming periods, see Bretschneider, *Archaeological and Historical Researches in Peking*, etc., 23 et seq.



shut, they were led in unceremoniously through a breach in the wall, which was being repaired, and conducted directly to the palace. They stopped for a while before a pavilion in a great court and here they passed the remainder of the night with a vast number of soldiers—300,000, the chronicler says with true Oriental imagery—while two thousand musicians and singers sang prayers for the Emperor's prosperity, and two thousand more men, with sticks and halberds, kept back the vast crowd of lookers on.

As day broke there arose a great sound of music, and the doors in the pavilion which led into the inner court, at the upper end of which was the audience hall, were thrown open.

"The ambassadors having passed from the first place to the second found the latter as beautiful and as spacious as the other. In the upper part there was a kiosk or pavilion larger than the first, where had been erected a platform, or sofa, of triangular form. It was four cubits high and covered with yellow satin, with gildings and paintings representing the Simorg or Phoenix, which the Khataians call the 'Royal Bird.' On this throne or sofa was a seat of massive gold, and to the right and left there were Khataians standing and arranged in great numbers. The first were those who commanded ten thousand men, followed by those who commanded a thousand, and after them those who only commanded a hundred; each holding in his right hand a tablet, a cubit long and quarter of a cubit broad, and looking at nothing else but their tablets. Behind them was an incalculable multitude of soldiers armed with cuirasses and lances and several with naked swords in their hands; all of them standing in their ranks and in such great silence that one would have said there was not a living soul there. Things being in this state, the Emperor<sup>1</sup> came out of his apartment and ascended the throne, by five silver steps which had been placed there, and sat down on this seat of gold. He was of medium height; his beard was neither too thick nor too thin, and two or three hundred hairs hung down from his chin to such a great length that they formed three or four curls on his stomach. To the right and left of the throne stood two girls of great beauty; their hair fixed on the top of their heads; their faces and necks uncovered, and great pearls in their ears. They held pen and paper in their hands and paid great attention to write down what the Emperor said. (They put down in writing all of his words, which are shown to him when he has gone back to his apartments, to see if there is anything to be changed in his various commands. Then they carry them out to the people of the Divan to the end that they may be executed.) Finally, when he had taken his place and all had been arranged, they caused the ambassadors to advance before the Emperor with some criminals. The first business which was disposed of was that of the criminals,<sup>2</sup> who were to the number of seven hundred. Some of them were fastened by the neck; others had their heads and necks passed through a board; five or six were all fastened together to a single board, in which their heads were fixed. Each one had a guard who held him by the hair of his head, waiting the order of the Emperor.

<sup>1</sup> Yung-lo of the Ming, who reigned from 1403 to 1425.

<sup>2</sup> This is a delightful bit of Chinese humor, such as they love to indulge in at the expense of foreign barbarians.

He had the greater part of them put in prison. There were but few condemned to death.

"The ambassadors were conducted near the throne to about fifteen cubits from it, and the officer who conducted them, having kneeled, read a paper in Khataian which set forth that which regarded the ambassadors, to wit: that they were ambassadors who had come from afar, from Shah Rukh and his children: that they had brought rare objects to be presented to the Emperor, and that they had come to strike their heads against the ground before his Majesty. Then the Cadi Mulana Haji Jusuf, one of the officers who commanded ten thousand men, a favorite of the Sultan, and one of his Council, approached the ambassadors together with some Musulmen who understood the language, and told them first to kneel and to put their heads against the ground. The ambassadors bowed their heads three times, but they did not touch the ground with their foreheads. This being done, the ambassadors took in both hands the letters of Shah Rukh, of Prince Baisangar and of the other princes and emirs, enveloped in yellow satin, according to the custom of the Khataians, who envelop in this color everything that is destined for the Emperor. The Cadi Mulana Jusuf took the letters from their hands and placed them in those of the Khogia of the Palace, who sat at the foot of the throne. This Khogia presented them to the Emperor who took them, opened and looked over them, and gave them back to the Khogia. After this he came down from his throne and sat at the foot of it on a seat, and at the same time there were brought him three thousand cloaks of fine stuff and two thousand others of coarse stuff, with which his children and those of his house were clothed. The seven ambassadors approached him and knelt, and the Emperor asked them concerning the health of Shah Rukh, etc., etc.

"After various questions about the products of their country and the condition of the roads between China and Persia, the Emperor said: 'You have come from afar, arise and go and eat.' Then the ambassadors were led into the first court, where there was set a table for each one . . . after which, they were led to the lodgings where they were to sleep. The upper room was furnished with a bed, consisting of a raised seat covered with very beautiful silk cushions, with a brazier in which to make fire; and on the right and left there were other rooms with beds, silk cushions, rugs and very fine mats. Each one of the ambassadors was lodged in this manner in a separate room, where they each had a kettle, a plate, a spoon and a table. They received each day, for ten persons, a sheep, a goose, two chickens; and each person two measures of flour and a large plateful of rice, two large bowls full of sweetmeats, a pot of honey, some garlic, onions, salt, different kinds of herbs, a bowl of *Dirapum* and a bowl of dried fruits; some nuts, hazel, chestnut, etc. There were also a number of fine-looking servants who remained always standing, ready to serve them from morning until evening."

The next mission to which I shall refer is that sent in 1654 by the Czar Alexis of Russia under the leadership of Feodor Iskowitz Backhoff.<sup>1</sup> Backhoff appears to have entered China by way of Kuei-

<sup>1</sup> In Thévenot's *Relation*, Vol. II., the Latin text of this narrative is given. The English text is in Churchill's *Collection of Voyages and Travels*, II. 471-473. Thévenot's text is probably the more correct. I have quoted, however, from the English translation, and retained its quaint phraseology.



hua Ch'eng or Koko Khutun (his Cokatana). He reached Peking, or Cambalu as he called it, on March 3, 1656, four months before the arrival of the mission sent there by the Company of the Dutch East Indies.

"About an English mile out of town," he says, "we were met by two deputies, one whereof was the chancellor of the office of the foreign affairs, the other of that of the Chinese affairs. They received us in a spacious structure of stone, inhabited by some priests, and built, as we were told, for the reception of the *Delac Lama* or the *Tartarian* high-priest, who is revered among them like a god.<sup>1</sup> At the entrance of this house they desired me to alight from my horse, and pay my respects to the king<sup>2</sup> upon my knees. Unto which I replied that it was not our custom to salute even our *Czar* upon our knees, but only with a very low bow, and bare-headed; unto which they gave no other answer, but that the *Dutch* never refused it, and therefore I ought not. They then presented me with some *Thee*, made with cow's milk, and butter, in the king's name; it being Lent, I refused to drink it. They told me, that I being sent from one great *Czar* to another mighty prince, I ought at least to accept it, which I did, and so turned back. As we were making our entry, I saw in the gate standing three brass cannon, and so we marched forward for three *versts*, most thro' markets, before we came to the court prepared for our reception, which had two houses of stone, hung with tapestry. Our daily allowance of provisions was one sheep and a small cask of *Spanish* brandy, two fishes, a middle-sized *Jafy*, a certain quantity of wheaten flour, *Sichay*,<sup>3</sup> and rice, and two cups of brandy.

"The 6th of *March*, word was sent me to bring my credentials to the secretary's office; which I refused to comply with, telling the messenger that I was sent with these credentials to the king, and not to his ministers.

"*August 21*, they sent again upon the same errand; but I refused the same, they told me, that since I had disobeyed their king's command, they had orders to punish me; I gave them no other answer, but, if they cut me limb by limb, I would not part with them till I had been admitted to the King's presence."<sup>4</sup>

The 31st of August, all of the presents for the Emperor, which had a few days before been taken from Backhoff by force, were brought back by special command from their king, "because I had refused to deliver my credentials into the secretary's office; and one among them told me, '*No foreign minister, come he from what*

<sup>1</sup> At this time the tribute missions sent by the Talé lama of Tibet stopped probably in the Pai-ta ssü or the Sung-chu ssü; the Huang ssü outside the city on the north side was not then built, I believe.

<sup>2</sup> By this he means to prostrate himself before an imperial chair, or, as required of Count Golovkin in 1805, before a table covered with yellow silk and supposed to represent the person of the Emperor.

<sup>3</sup> I am unable to say what Chinese words *Jafy* represents; *Sichay* is probably *hsi ch'a*, "fine tea."

<sup>4</sup> Comp. with this the fuller Latin text in Thévenot's collection, II., *Ambassade de Schakrock*, 14, 15.

*country he will, is admitted into the presence of our king, but only of his great ministers, call'd Inoanol Boyarde.'...<sup>1</sup>*

Backhoff remained shut up in an official inn or *kung-kuan* (probably one of those situated behind the present United States Legation, and still used to lodge tribute-bearers of the Nepalese, Lo-los and Tibetan tribes from the borders of Western China), unable to see anything or anybody until September, when he left again for Russia.

In July of the same year a Dutch embassy arrived in Peking from Canton, having traveled overland from that port. It was sent by the Dutch East India Company to secure trading privileges at Canton. The envoys were received by a few officials of low rank and lodged not far from where Backhoff was confined. Their names, the presents they bore, and every other imaginable detail concerning them were carefully written down, and a guard of soldiers stationed over them, ostensibly to protect them and the gifts destined for the Emperor. The Chinese officials inquired particularly whether the ambassadors were related to the Prince of Orange, for unless they were they could not hope to be received by the Emperor. Thus, they said, the late envoys from Korea and the Liu-chiu Islands were, the former a brother of the king, the latter his son-in-law. This same argument, which had recently been also used with Backhoff, had apparently no other object than to make the envoys realize all the honor the Emperor was about to do them and how friendly were his sentiments, when he should finally admit them to an audience. Should, happily, the envoys be princes or personages of exalted station, the Emperor's greatness would thereby be magnified, if such a thing were possible, in the eyes of his people. So great has been the wish of the Chinese to exalt their sovereign above all others that they have often resorted to the most extraordinary expedients, if we may believe travellers, to demonstrate his preëminence in the eyes of the public. Thus Bernardine of Escalanta,<sup>2</sup> speaking of the missions which the Kings of Ava, Siam and other Asiatic countries sent to the court of China, says: "They always send with the embassy four or five persons, every one with like authority, that if it happens some of them to die on the way, or until they be despatched from thence, and they die not of any disease, they (the Chinese) always poison one or two of them in some banquet, unto whom they make very sumptuous

<sup>1</sup> *Inoanol* is not Russian, neither is it Chinese. *Inoanol Boyarde* is presumably a member of the Privy Council (*Nai ko*).

<sup>2</sup> *Account of the Empire of China*. In Osborne's *Collections of Voyages and Travels*, II. 57.

sepulchres, with epitaphs concerning what they were, and the cause of their coming, and by what prince they were sent. And this is for to continue the memory and greatness of the renown of his realm."

But to come back to the Dutch Embassy, the Jesuits, who were at that time very powerful at the court of Peking, exerted themselves to defeat the mission, and as one of the fathers tells us<sup>1</sup> "they resolved to leave no medium unessayed to overthrow these Hollanders' designs, and with all diligence and vigilancy to vacuate their undertakings, and they searched after all means possible to hinder their access to the Court."

The good fathers were embarrassed by lack of ready money with which to further their worthy purposes, for the Dutch appear to have been lavish with their presents. Thus Father John Adam writes :

"Certain it is that three thousand Tayes (*tacks*) were sufficient to make a present to the Emperor, more acceptable than all the Dutch have brought, thereby to confirm the Emperor's favour to us, and interclude all ways to these Hereticks; but we are at too great a distance from Macao to acquaint them [*i. e.*, the head of their mission] with these passages, and probably we might not be heard; nevertheless, I assure your reverend Fatherhood, that as far as my power will extend, I will not spare art nor labour to paint out these Hollanders in true and native colours. . . . Our God who suffered them to enter Japan, so much to the destruction of Christianity, which before flourished in that island, would not permit their ingress into China, to the like damage of Religion here."

Notwithstanding the Jesuits' efforts it was finally decided to receive the embassy.

"The Emperor having been informed concerning Holland sent a declaration to his Council stating that he would receive the Dutch as ambassadors, and gave orders to conduct them to the audience when he should be seated on his throne in his new palace. . . ."<sup>2</sup>

"The time was, however, approaching when the Emperor was to make his first entry into his new palace, to which time he had put off their audience, but the custom of the country obliged them first to go to make their obedience (*Soumissions*) in the Palace where is kept the seal of the kingdom, for this place, having been chosen by Heaven and therefore sanctified in all times, foreign ambassadors, they say, owe it the first honors, and they are never received in audience except after having been there. This law is general for all those who have audience with the Emperor or who enter upon any functions, even the Emperor himself is not exempted, and before he becomes Emperor he must needs come and bow his head, and make obedience in this place. . . ."

<sup>1</sup> *Narrative of the Success of an Embassy unto the Emperour of China and Tartary*, in John Ogilby's edition of Nieuhoff's *Embassy*.

<sup>2</sup> Conf. John Ogilby's English translation (1669), 119-135, which is not as full, however, as the French translation in Thévenot, II. 53-59.

The ambassadors complied with this custom on the 14th of August, three days before that fixed for the audience. They were led by a number of officials in full court dress into a little chapel in the old palace and then—"a quarter of an hour after, they were led into a court and placed in front of the old throne, shut in all about by a paling, and a herald cried out to them with a strong voice *Kuschan*, that is to say, 'God hath sent the Emperor,' after which he cried to them *Quéé*, that is to say, 'kneel down;' *Kanto*, which signifieth 'bow the head three times;' *Kée*, 'arise;' which he repeated three times; and finally he cried *Kóce*, that is to say, 'stand to one side.'<sup>1</sup> This took place in presence of a quantity of Chinese doctors," after which the envoys returned to their lodgings to wait for the 25th of August, on which day their audience with the Emperor was to take place.

The death of the brother of the Emperor put off the audience until the 2d of October (1656), when the same officials who had accompanied them when they had performed their prostrations before the imperial throne came for them at two o'clock in the morning. Six persons of the envoys' suite accompanied them. They were led into the second court of the palace where they waited, seated on "blue stones" and in an open court, until day-break. Ambassadors of the Great Mogul were placed next to them, also deputations of lamas and of the Sudatses<sup>2</sup> waited to be introduced with them. After a while they were led into the part of the palace where the Emperor had his throne and which they found filled with officers and soldiers, gorgeously dressed and carrying different colored standards, images of the sun and moon, parasols and poles with tassels of gold and silk of different colors hanging from them. At the foot of the throne they particularly noticed "six horses as white as snow, with bridles studded with rubies and pearls." Suddenly, while they were considering all this magnificence, "they heard a little bell tinkle and a soldier appeared, cracking a leather thong, so that with each crack of it they heard three pistol shots." On hearing this everyone stood up, and at the same time was heard "an agreeable music of various instruments and very sweet voices." The various high officers and the envoys of the

<sup>1</sup>*Kuschan* is perhaps *chü*, "go," and *chan*, "stand up." *Quéé* is *kuei*, "kneel." *Kanto* is probably *k'o*, "bump," *t'ou*, "the head." *Kée* is *ch'i*, "rise up," and *Kóce* is perhaps *k'o*, "it is proper," *chü*, "to go away."

<sup>2</sup>Or Sudasen, which the editor says are Yupi ("Fishskin") Tartars. Ogilby says they are "South Tartars" and gives a description of their dress. (Nieuhoff, *Op. cit.*, 123.) He writes their name Zutadsen and Suytadsen. This is the vulgar expression, still in general use, *Sao Ta-tzu* "Stinking Tartars," applied by the northern Chinese to all Mongols alike.

Great Mogul, the lamas and others, kotowed at the foot of the throne, and then the chancellor of the kingdom came to the ambassadors of Holland and asked them their titles. They answered that they had that of Tchiomping,<sup>1</sup> "agreeably to the judgment of the King of Canton, who had given them this title." The ambassadors of the Mogul having answered that they had the same title as the Dutch, they were placed side by side.

"In the middle of this hall there were twenty stones with copper plates on which are marked the titles of those who are to kneel. The ambassadors were placed on the tenth stone where they stood until a herald cried, "*Advance toward the throne.*" At these words they all rose to advance. Then the herald said, "*Return to your places,*" which they did at once. "Bow your head three times to the ground," and finally, "arise." They were obliged three times to go through all these exercises. The herald cried, "*Return to your place,*" when they walked at once to the left side of the hall and took their former places."

After this they were led into another raised hall or stage with the ambassadors of the Great Mogul, and were again obliged to go on their knees and bow three times to the ground, when they were served with tea, mixed with milk, which was given them in little wooden bowls. Meanwhile the noise of bells was heard and the cracking of the leather strap, and they all went again on their knees, when the Emperor finally appeared at about thirty steps from the ambassadors on a throne of gold, with two arms in the shape of great dragons which concealed him so that they could only see a part of his face. Two viceroys of the royal blood were seated below him, and after them three great lords of his court. They were drinking tea in little wooden vessels, and were all dressed in blue silk of the same color, on which were representations of serpents and dragons. Their caps had a little gold ball on the top enriched with jewels.

The Emperor never addressed a word to the ambassadors, and, "after a quarter of an hour," Nieuhoff remarks, he rose and left the hall. We are told by the ambassador that the Emperor<sup>2</sup> was a young man, fair of face, of medium height and well proportioned. As soon as he had left the audience hall all restraint seems to have vanished, and the soldiers and other people in the palace rushed in to look and gaze at the Dutch "as if they had been some strange Africk monsters."

<sup>1</sup> Or, according to our mode of transcription, *Tsung-ping*, "General." In Father John Adam's *Narrative of the Success of the Embassy*, etc., it is said the two ambassadors were called by the Tartars *Compim* or "Captain."

<sup>2</sup> This emperor is known as Shun-chih. He reigned from 1644 to 1662. He was the first emperor of the present Manchu or Ta ching dynasty who reigned in China proper.

The same day on which they were received by the Emperor they were given a dinner by the first minister<sup>1</sup> together with the other envoys who had been received at the same time as they. This feast was served by order of the Emperor. Before sitting down at the table they all turned toward the north, "because the Emperor abides in that direction," and made three reverences, as they had before done in front of the throne. Among the queer dishes which were served on this occasion was camel's flesh, roasted and boiled, probably for the special delectation of the Mongol guests and of the Emperor's maître d'hôtel, who devoured it "like a man who might have been fasting for the three last days." When they had finished eating the Chinese obliged the ambassadors to put all the bits left over into bags to carry back with them to their lodgings, "and it was a pleasure to see these famished Tartars filling their leather pouches or skins with the hair still on." After eating they were served with drink, consisting of *sampsœ*,<sup>2</sup> brought in jugs, from which it was poured into bowls and ladled out with wooden spoons into pots of gold and silver. They were told that this drink was distilled from sweet milk.

At the end of the banquet the envoys were required to make another obedience in the direction of the palace of the Emperor to thank him for this "brave high treatment," after which the narrator pathetically says: "They went away without other compliments or ceremony, very much worn out by the different reverences which they had been obliged to make that day." On various subsequent occasions they had again to perform these prostrations.

Finally, after two more banquets, where they remarked that the Mogul envoys and the other foreigners were better treated than they, the Li pu handed them a letter to the Governor-General of Batavia, and told them to leave the city at once, which they did two hours after its receipt. They were unable during their stay in Peking to visit the city, as they were kept all the time shut up in their lodgings "like recluses in their cells," without being allowed to go out once, except to court or to the Board of Rites. Every day they were furnished by order of the Emperor with the following: To the ambassadors six catties of meat, a goose, two chickens, four pots of *sampsœ*, two teils (ounces) of salt, two teils of tea of Tartary<sup>3</sup> and a

<sup>1</sup> According to Ogilby's translation (p. 130) the feast took place at the Board of Rites (Li pu). Father Adam, *Narrative*, etc., f. 13, calls the president of this board "a sordid and covetous wretch."

<sup>2</sup> Or *samshu*, as it is called in Anglo-Chinese. It is usually made from sorghum in northern China, but in the south from rice. Its Chinese name is *shao chiu* or "brandy-wine." A kind of brandy is made by the Mongols from mare's milk and is called *arrekti*. See my *Land of the Lamas*, pp. 130 and 248.

<sup>3</sup> Probably coarse brick tea, such as the Mongols use.

teil two maes (an ounce and a half) of oil, while the secretary received two catties of fresh meat, half an ounce of tea, a cattie of honey, a cattie of tanta,<sup>1</sup> five coudria four maes of oil, four teils of missou, etc. Among the supplies given the suite of the embassy, I notice rice which, however, was not allowed the higher officers.

As to the object of their mission they gained a partial success, for permission was granted the Dutch to visit Canton for trade once in eight years, with not over one hundred men in a company, of whom twenty might proceed to Peking with the presents destined for the Emperor.<sup>2</sup>

WILLIAM WOODVILLE ROCKHILL.

(*To be Continued.*)

<sup>1</sup> Ogilby says (p. 134), Taufoe, which represents the Chinese *tou fu*, "bean curd," a very common article of Chinese diet. Missou or misson is Chinese *mi su*, "soy sauce."

<sup>2</sup> Although the Dutch admit that they performed all the ceremonies prescribed by Chinese court etiquette, the Jesuit Father Baliou, writing *after* the departure of the mission, says "The Hollanders may not come into the King's presence (nor the Muscovites), because they will not submit themselves to those ceremonies of reverence accustomed in this Palace. They are novices, and ignorant in affairs and obstinate in refusing to accommodate themselves to the customs of the country. God will at length discover his mercies to the Catholick Portugueses here!" *Embassage to the Emperour of China*, etc., 47.

## THE AUTHORSHIP OF THE FEDERALIST

THE FEDERALIST is universally regarded as the most important contribution of our country to political science, and yet, although some twenty-five editions of it have been published, the authorship of twelve important numbers, about one-seventh of the whole, is still undetermined, and in the opinion of Mr. Lodge, the latest critical editor, must remain so. The authorship of three other numbers, 18, 19 and 20, earlier in dispute, Mr. Lodge believes to be satisfactorily settled. The remaining twelve numbers, 49-58, 62 and 63, are attributed to Hamilton in the so-called Hamilton lists, and to Madison in the Madison lists. Madison never wavered in the assertion that he was the author of them, and although the Madison lists differ from each other in regard to a few other numbers, they uniformly assign these numbers to Madison. Mr. Lodge, although the weight of testimony is, in his view, favorable to Hamilton, declares that he "is not even yet completely satisfied" that Nos. 49-58 are not from Madison's pen. In regard to Nos. 62 and 63 he has "very little doubt," thinking they both belong to Hamilton.<sup>1</sup> Mr. Lodge concludes: "No one is entitled to assign the disputed numbers to either Hamilton or Madison with absolute confidence. They were surely written by one or the other, and with that unsatisfactory certainty we must fain be content."

The case, in brief, is one where the external evidence is conflicting and where, hitherto, conclusions have been reached largely in accordance with the predilections of the respective admirers of the two claimants, by rejecting as less trustworthy the testimony of one or the other set of lists. For example, George Bancroft<sup>2</sup> is as sure that Madison wrote the numbers as John C. Hamilton<sup>3</sup> is that his father was the author.

In such a juncture the obvious step is to call in a new set of witnesses; in other words, to examine the papers themselves for internal evidence and not to acquiesce in a negative conclusion until every resource has been exhausted. It is hardly likely that two men of such different individualities as Hamilton and Madison, however sim-

<sup>1</sup> See Lodge's *The Federalist*, Introduction, for a presentation of the external evidence. All references are to Lodge's edition unless another is mentioned.

<sup>2</sup> *History of the Constitution of the United States*, II. 336.

<sup>3</sup> See his edition of *The Federalist*.



ilar their political experience, and however sincerely working together in the same cause, could write extensively in its behalf without their respective contributions bearing some mark of their authors. Fixed ideas, pet phrases, habitual modes of expression, characteristic political theories, will occur again and again, not only in the essays in question, but elsewhere in the works of the writers. The weight of such evidence is cumulative. Every additional example strengthens one side and proportionally weakens the other. Internal evidence is often inadequate to determine the author of an anonymous work when there are many possibilities. In the case before us all that is required of it is to turn the balance decidedly one way or the other between two even contestants, for such they seem to the student after Mr. Lodge's discussion.

In fact hardly as much as this is necessary, for the case was made to appear an even one by unfairly discrediting Madison's testimony as compared with that of Hamilton. Without such studied disparagement the external evidence is far stronger for Madison's authorship. Mr. Lodge's process is a curious one and starts with rejecting a specific statement of Madison's which can be substantiated beyond any doubt. In the Hamilton lists, he writes, there are "two errors as to two numbers, while in the Madison lists there are twelve errors as to six numbers. Tried, therefore, by the list of admitted errors, Hamilton's authority is shown to be six times as good as that of Madison." Passing by the crudeness of this method of expressing relative degrees of probability, it is to be noted that eight of these twelve "errors" in the Madison lists are made up as follows: Nos. 18 and 19 are three times, and No. 20 twice, attributed to Madison alone. These "errors" are in the earlier Madison lists. After the publication of the Hamilton lists which attributed Nos. 18, 19 and 20 to "Madison and Hamilton jointly," Madison explained the discrepancy in a note to No. 18 in Gideon's edition of 1818. "The subject of this," he writes, "and the following numbers happened to be taken up by both Mr. Hamilton and Mr. Madison. What had been prepared by Mr. Hamilton, who had entered more briefly into the subject, was left to Mr. Madison, on its appearing that the latter was engaged upon it, with larger materials, and with a view to a more precise delineation, and from the pen of the latter the several papers went to press."

In the fuller statement of Madison, in Bancroft's *History of the Constitution*, II. 337, he says: "It is possible, though not recollected, that something in the draught [*i. e.*, Hamilton's draught] may have been incorporated into the numbers as printed. But it was certainly not of a nature or amount to affect the impression left

on the mind of J. M., from whose pen the numbers went to the press, that the numbers were of the class written by him." Then follows a simple and natural explanation of how Hamilton might have regarded them as joint work. Mr. Lodge, however, without giving this explanation of the facts, says that Madison in Gideon's edition of 1818 "concedes 18, 19 and 20, to be the joint work of Hamilton and himself." With all respect to Mr. Lodge it may be asserted that he made no such concession. In the Gideon editions those numbers are ascribed to Madison alone, and the explanation quoted above is given in a foot-note. That explanation beyond doubt can be shown to be true to the letter, and in such a way as greatly to increase one's confidence in Madison's memory and his honesty. The "raw material" of those numbers, with the historical references exactly given, exists in Madison's papers in his own handwriting, and is printed in his *Writings*, Vol. I., pp. 293-314. Take Number 20 for example as a test case. Fully nine-tenths of it is drawn from Madison's own abstract of Sir William Temple's *Observations upon the United Provinces* and of Felice's *Code de l'Humanité*. This can be verified by any one in a few minutes by comparing No. 20 with pp. 302-309 of Madison's *Writings*, Vol. I. That Madison should assert Number 20 as his own was natural and right; that when Hamilton's assertion of joint authorship was made public he should explain the discrepancy by stating the facts was also natural; that his explanation was truthful internal evidence proves beyond a doubt and that he "conceded" Number 20 to be a joint work in any common acceptation of the term is without foundation. Sir William Temple's claim to be recognized as joint author of Number 20 is far stronger than Hamilton's. There are two paragraphs out of twenty-four in Number 20 which appear to have come from Hamilton. Most of the rest is from Sir William Temple. The case with Numbers 18 and 19 is similar, although neither is drawn from so few sources as Number 20; in each there is a possibility of a larger use of Hamilton's notes. After a comparison of these numbers with Madison's "Notes on Confederacies" no editor can have any excuse for assigning these numbers to "Hamilton and Madison," as has been uniformly done by Hamiltonian editors since 1810. It should at least read, "Madison and Hamilton," although there seems to be no good reason why the exact and truthful course of the Gideon editions should not be followed in the future.

It will hardly be denied that eight of the twelve "errors" of the Madison lists now disappear and we have then four errors in regard to two numbers in the Madison lists as compared with Hamilton's two errors in regard to two numbers.

When Mr. Lodge believed Hamilton's testimony six times as good as Madison's he regarded the question of the authorship of Nos. 49-58 as almost evenly balanced between the two. According to his own process of weighing evidence Hamilton's authority is shown at most to be only twice as good as Madison's, and perhaps only half as good.<sup>1</sup> If the scale was evenly balanced before, it must turn now, for the very case used by Mr. Lodge to show that Madison's testimony was less trustworthy than Hamilton's memorandum, when examined in the light of Madison's collected material, proves that Madison's statement was accurate to the letter and that Hamilton's rested on a natural misapprehension.

Let us turn now to the more difficult problem presented by Numbers 49-58, 62 and 63. In regard to the series 49-58 an ingenious attempt to reconcile Hamilton's list with Madison's was made in the suggestion that as Hamilton made a mistake of a single figure in attributing 54 to Jay instead of 64, it was not improbable that he made a similar mistake in the next line and wrote 37-48 instead of 37-58.<sup>2</sup> The value of this conjecture must depend upon the tendency of the internal evidence.

If one examines the structure of *The Federalist* there seems to be a somewhat systematic division of labor in the preparation of its parts. Jay's few contributions deal with foreign relations, with which he was especially conversant; three distinctively historical papers like 18, 19 and 20, come from Madison's hand because his studies in the history of federal government had supplied him with ampler materials. With these exceptions, all of the first part of *The Federalist*, issued originally as the first volume, deals with general questions emphasizing the defects of the Confederacy and the value of a more perfect union, and of these papers Hamilton wrote all but two. To him these were congenial topics and he could throw into their discussion his whole force without reserve. As the originator of the essays he could naturally choose for himself the particular part of the work he preferred to do, and request his collaborators to undertake the portions for which they were particularly fitted. It is not, then, without significance that in the opening paragraph of No. 37, the first of the connected Madison papers, it is said that the plan of the writers "cannot be complete without taking a more critical and thorough survey of the work of the Convention, etc." This is called "the remaining task." Madison was by far the most competent person to perform the "remaining task." He was present at

<sup>1</sup> Following Mr. Lodge's example we might count Hamilton's assertion of joint authorship of 18, 19 and 20 as "errors," and raise his number of "errors" to eight.

<sup>2</sup> See *The Historical Magazine*, VIII. 306.

every session of the Convention and did more than any one else to bring it to a successful issue. Hamilton, on the other hand, was absent from June 29 to August 13, and did not speak<sup>1</sup> from August 13 to September 6, on account of "his dislike of the scheme of government in general."<sup>2</sup> If Hamilton refrained from participating in the discussions of the Convention for this reason, is it not altogether probable that he proposed to leave to Madison, as far as practicable, the task of defending the details of the Constitution? This supposition is strengthened by the fact that Madison had evidently formed a plan of treatment for the numbers that he did not write.<sup>3</sup>

His work, however, was cut short by his having to leave New York early in March to prepare for the Virginia Convention. Numbers 49-58 appeared between February 5 and February 22, and are closely connected in subject matter with the preceding Madison numbers. Numbers 62 and 63 discuss the make-up of the Senate and logically attach themselves to Number 58, which concludes a similar treatment of the House of Representatives. They were published February 29 and March 7. They could have been written by Madison; that they should be was in accordance with the apparent plan of *The Federalist*. On the other hand, there seems to be no good reason why they should come from Hamilton as long as Madison was in New York. His approaching departure, toward the end of February, compelled Hamilton to take up the task if the series was to be continued, and he wrote Numbers 59-61, on the control of the Union over the federal elections, three numbers that could have come after 62 and 63 more logically than before them.

These considerations make it somewhat more probable that these numbers were written by Madison than by Hamilton, but the weight of the probability must be left to the judgment of the reader.

In examining the internal evidence limitations of space as well as lack of indications will prevent the treatment of the numbers with equal detail, but as they are attributed *en bloc* to either Madison or Hamilton by most of the lists, satisfactory proof that any two or three of them were written by one of the two will go far to turn the scale in his favor for the rest. I shall, therefore, present the evidence as fully as possible in regard to some numbers and only the most striking indications in regard to the rest.<sup>4</sup>

<sup>1</sup> He could not vote, as both Yates and Lansing of New York had left the Convention.

<sup>2</sup> Madison's *Debates*, Scott's ed., 671.

<sup>3</sup> After he left New York he wrote at least once to Hamilton in regard to the later course of the *Federalist*. April 3, Hamilton replies, explaining the line of argument which seemed best to him. Lodge's *Works of Hamilton*, VIII. 182.

<sup>4</sup> To reduce this article to the limits fixed by the editors the writer has been obliged

## NUMBER 49.

Number 49 continues the discussion on the separation of the powers begun in Number 48, and takes for special consideration a protective device proposed by Jefferson in his *Notes on Virginia*, providing for any two departments to unite in calling a convention in case the third should encroach on the Constitution.

This project of Jefferson's was known to Madison in August, 1785.<sup>1</sup> By May, 1786, he had in his possession a copy of the privately printed edition of Jefferson's *Notes*.<sup>2</sup> The first published edition of the *Notes* came out in London early in August, 1787,<sup>3</sup> and it was from this edition that Madison quoted in the preceding number of *The Federalist* (No. 48). The only place where any one could learn of this constitutional device of Jefferson's was in the appendix to some of the editions of his *Notes*. Madison had known of it for years and owned two of these editions of the *Notes*. A copy of Jefferson's *Notes* was among Hamilton's possessions, but it was the Philadelphia edition of 1788,<sup>4</sup> which was not published until January 23, 1788,<sup>5</sup> in Philadelphia, while Number 49 of *The Federalist* was printed in New York, February 5th.

If Hamilton wrote Nos. 49-58 the decision that Madison's contributions for the present should cease with No. 48 must have been reached at least some days earlier than February 5, because 49 and 50 are papers based on some research. It is, then, while not impossible, extremely unlikely that a book published in Philadelphia not earlier than January 23 should have reached New York and come into Hamilton's possession soon enough for him to select from it the text for the first of a new series of papers which appeared February 5. On the other hand, Madison having quoted extensively in No. 48 from the *Notes*, nothing would be more natural than for him to discuss Jefferson's project, thus freshly reminded of it. It may be added that Chancellor Kent notes that: "Mr. Hamilton told me that Mr. Madison wrote 48 and 49, or from pa. 101 to 112 of Vol. 2d."<sup>6</sup> The pages, as given, show that the numbers are those of the collected editions and not the original numbers as printed in the journals.

to omit about one-half of the material which he inserted in this portion of the paper. Some of the omissions will be indicated by references.

<sup>1</sup> *Writings of James Madison*, I. 183. To be cited as *Writings*.

<sup>2</sup> *Ibid.*, p. 234.

<sup>3</sup> Ford's *Jefferson's Works*, III. 79.

<sup>4</sup> J. C. Hamilton, *The Federalist*, p. cxi. The copy was in Mr. J. C. Hamilton's possession.

<sup>5</sup> It is first announced in the *Pennsylvania Packet* of January 25th, as "published this day." That it was not actually on the market for a few days is not unlikely, if we may judge from the practice of publishers to-day.

<sup>6</sup> Dawson's *The Federalist*, p. cxl.

NUMBER 50.

This number discusses the propriety of periodical instead of occasional appeals to the people, and reviews the history of the Pennsylvania Council of Censors, of 1783-84. In regard to this institution and Jefferson's scheme criticized in No. 49, John C. Hamilton writes: "As to this, as well as to the scheme of Jefferson, an analogy in Hamilton's writings—for the same reason, that no such project had come before him—was not to be expected."<sup>1</sup> The question naturally arises, then, "Why should Hamilton select this unfamiliar topic for a number of *The Federalist*?" To Madison, on the other hand, the project was familiar. The results of its work form the subject of the latter part of No. 48, and he had discussed this Council of Censors briefly as early as August, 1785, in his letter to John Brown, of Kentucky.<sup>2</sup>

NUMBER 51.

In No. 51 the writer continues the discussion of the preceding numbers as to the proper means "of maintaining in practice the necessary partition of power among the several departments." This line of thought was a favorite one with Madison.

Number 51.

"Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure." Cf. Madison's Notes on the Confederacy, *Writings*, I. 325-6. April, 1787.

"Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority,"<sup>3</sup> (pp. 325-6).

Madison.

(Objects of the Senate.)

"These were,—first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led." *Debates*, 242. (June 26). . . "as different interests necessarily result from the liberty secured, the major interest might, under sudden impulses, be tempted to commit injustice on the minority." *Debates*, *ibid.* See also letter to Jefferson giving an account of the Convention, October 24, 1787. *Writings*, I. 353.

"The Society becomes broken into a greater variety of interests and pursuits of passions which check each other." *Writings*, I. 327, from Notes on the Confederacy. April, 1787.

"The only remedy is, to enlarge

<sup>1</sup> J. C. Hamilton's edition of *The Federalist*, p. cxiii.

<sup>2</sup> *Writings*, I. 183.

<sup>3</sup> Madison uses the phrase "interested combinations of the majority," in *Writings*, IV. 23 (1789), and the phrase "interested majority" in the *Federalist*, p. 59.

*Number 51.*

"In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government,"<sup>1</sup> (p. 326).

"This view of the subject shows that in the exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated."

"In the extended republic of the United States, and among the great variety of interests, parties and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good."

*Madison.*

the sphere, and thereby divide the community into so great a number of interests and parties, that in the first place a majority will not be likely at the same moment, to have a common interest separate from the whole." *Debates*, 119, June 6th, 1787. "In a large society, the people are broken into so many interests and parties that a common sentiment is less likely to be felt and the requisite concert less likely to be formed by a majority of the whole." Letter to Jefferson, Oct. 24, 1787, *Writings*, I. 352.

"The same security seems requisite for the civil as for the religious rights of individuals. If the same sect form a majority, and have the power, other sects will be sure to be depressed. Divide et impera—is, under certain qualifications, the only policy by which a republic can be administered on just principle." Letter to Jefferson, *Writings*, I. 352-3, Oct. 24, 1787.

"It may be inferred that the inconveniences of popular states, contrary to the prevailing Theory, are in proportion not to the extent, but to the narrowness of their limits." Notes on the Confederacy, *Writings*, I. 327, April, 1787. "As in too small a sphere oppressive combinations may be too easily formed against the weaker party, so," etc. Letter to Jefferson, October 24, 1787. "In the extended republic of the United States," . . . . . "greater variety of interests and pursuits of passions," for the rest see above, p. 449. "The only remedy is to enlarge the sphere, and thereby divide the community into so great a number of interests and parties, that, in the first place, a majority will not

<sup>1</sup>Cf. also Madison's remarks in the Virginia Convention. "But the United States abound in such a variety of sects that it is a strong security against religious persecution." Elliot's *Debates*, III. 330.

*Number 51.*

"It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government."<sup>1</sup>

*Madison.*

be likely, at the same moment to have a common interest separate from that of the whole or of the minority." *Debates*, p. 119, (June 6th).

"It was incumbent upon us, then, to try this remedy, and with that view, to frame a republican system on such a scale, and in such a form as will control all the evils which have been experienced." *Debates*, p. 119.

The five numbers 47-51 form a continuous discussion, complete in itself, of the true meaning of the maxim of the separation of the powers, its applicability to the United States, etc. Madison's right to be regarded as the author of the first two has never been disputed. The evidence that he also wrote Number 51 has been laid before the reader. It seems to me to establish the proof of his authorship as certainly as an undisputed assertion could. The evidence in the case of Numbers 49 and 50 is confirmatory. The significance of this evidence can be fairly weighed only by a comparison of it with that which has been put forward in behalf of Hamilton in J. C. Hamilton's edition of *The Federalist*, pp. cx.-cxv,<sup>2</sup> and for Number 51 on p. cxiv.

The next group of essays, Numbers 52-58, take up in detail the structure of the House of Representatives as framed by the Constitution. The internal evidence in regard to the authorship of these numbers, so far as I have been able to detect it, is much less in amount. Some of it, however, is striking.

*Number 52.*

"The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned," (pp. 327-28).

*Madison.*

"The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the Legislature." *Debates*, p. 470, August 7 (Hamilton was absent at that time).

<sup>1</sup> Cf. Madison in *Federalist*, No. 10, p. 60.

<sup>2</sup> It is but fair to J. C. Hamilton to remember that when he made his argument in favor of Hamilton's authorship Madison's *Writings* had not been published. He had examined some of them in MS., but not thoroughly enough.



## NUMBER 53.

## Subject: Frequency of Elections.

*Number 53.*

In support of biennial elections it is urged that time will be necessary for the legislator to gain "a certain degree of knowledge of the subjects on which he is to legislate," (p. 335).

"Some knowledge of the affairs, and even of the laws of all the States, ought to be possessed by the members from each of the States," (p. 336).

"The distance which many of the representatives will be obliged to travel, and the arrangements rendered necessary by that circumstance, might be much more serious objections with fit men to this service if limited to a single year than if extended to two years," (p. 338).

*Madison.*

"Three years will be necessary, in a government so extensive, for members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little, from the situation and affairs of their own; one year will be almost consumed in preparing for and traveling to and from the seat of national business." *Debates*, June 12, p. 151.

Madison argued that annual elections would be extremely inconvenient for the representatives. "They would have to travel seven or eight hundred miles from the distant parts of the Union." *Debates*, June 21, p. 216.

The amount of evidence in regard to No. 53 is not great, but this is to be noted in regard to its character. Two of the most important arguments in No. 53 for biennial rather than annual elections are arguments advanced by Madison in the Convention in favor of triennial elections. Hamilton participated in the discussion, June 21 (p. 217). Like Madison, he favored triennial elections. Of the five points that he made in his speech, not one is mentioned in No. 53. If Hamilton wrote No. 53 he did not repeat a single one of five arguments which seemed good to him six months before, but devoted himself to an elaboration of the points made by Madison. It may be remarked in addition that one of the so-called Hamilton lists, that of Chancellor Kent, attributes No. 53 to Madison.

## NUMBER 54.

As an additional bit of external evidence, not recorded by previous writers, it may be remarked that Madison in a letter, in 1819, casually referred to No. 54 as expressing his views, thus implying that he wrote it;<sup>1</sup> and that in the Virginia constitutional convention of 1829 he publicly asserted his authorship of the number.<sup>2</sup>

Finally, it may be remarked that Hamilton in the Benson list and in the list copied at his own request by J. C. Hamilton did not

<sup>1</sup> Letter to Robert Walsh, Nov. 27, 1819. *Writings*, IV. 154.

<sup>2</sup> *Debates of the Virginia State Convention, 1829-30*, p. 188.

claim Number 54 for himself, but assigned it to Jay.<sup>1</sup> It may be said, of course, that he intended in that list to write 64, but as a matter of fact he did not assign 54 to himself, and whether he intended to write 64 is open to most serious doubt. In the last number of the Camillus papers, 1794,<sup>2</sup> he quotes from numbers 42 and 64 of *The Federalist* and appends this note: "It is generally understood that two persons were concerned in the writing of these papers, who, from having been members of the Convention, had a good opportunity of knowing its views—and were under no temptation at that time in this particular to misrepresent them." If Hamilton in 1794 remembered that Jay<sup>3</sup> wrote number 64, this note was highly disingenuous; but there is no reason to suspect Hamilton of such disingenuousness. Therefore in 1794 Hamilton attributed 64 either to himself or to Madison. That he attributed it to himself is made practically certain by his not attributing it to Madison in the Benson list. It seems fair to conclude, therefore, that in attributing 54 to Jay in that list and the list copied by J. C. Hamilton, Hamilton did not make a mere clerical error, but consciously disclaimed writing 54.

#### NUMBER 56.

To meet the objection that the representatives would not have adequate knowledge, the writer of 56 says :

##### *Number 56.*

"Divide the largest state into ten or twelve districts, and it will be found that there will be no peculiar interests in either, which will not be within the knowledge of the representative of the district," (pp. 351-2).

##### *Madison.*

In the Virginia Convention, Madison said: "Could not ten intelligent men chosen from ten districts from this State lay direct taxes on a few objects in the most judicious manner? Can any one divide this state into ten districts so as not to contain men of sufficient information?" Elliot, III. 253-4.

Hamilton in the New York Convention said: "The natural and proper method of holding elections will be to divide the State into districts in proportion to the number to be elected. This State will consequently be divided at first into six. One man from each district will probably possess all the knowledge the gentlemen can desire." (Elliot, I. 434.)

It will be remembered that the Constitution assigned, in the beginning, ten representatives to Virginia and six to New York. Hamilton in the New York Convention illustrates the adequacy of

<sup>1</sup> J. C. Hamilton's edition, p. xcvi.

<sup>2</sup> *Works*, V. 320-321.

<sup>3</sup> Jay was not a member of the Convention.

the representation by supposing the division of the state into six districts, and Madison does the same in the Virginia Convention by supposing Virginia to be divided into ten districts. The writer of Number 56, in addressing the people of New York, supposes the largest state divided into ten districts, etc. If Hamilton wrote 56, why should he take Virginia as an example in February and New York in July? He might do so, of course, but there is a certain naturalness in a Virginian taking the largest state—his own state—as the extreme example, even though addressing New Yorkers, while the most natural example for a New Yorker, as well as the most directly pertinent, would be New York.

Mr. Lodge in his discussion attaches great weight to the fact that in the edition of 1802, prepared under Hamilton's supervision, the eighth paragraph of this number was omitted and a new one substituted for it. But granting all his deductions and accepting the authenticity of the Benson list of 1804, all that the insertion of this new paragraph proves is that Hamilton believed Number 56 to be his in 1802, as well as in 1804. The weight of this confirmatory testimony seems to be slight, except so far as it helps to establish the authenticity of the Benson list.

The closing paragraph of Number 56 cites the experience of Great Britain, "which presents to mankind so many political lessons, both of the monitory and exemplary kind" (p. 354). "Monitory" is almost a favorite word with Madison. I have noted the following instances: "Monitory examples," III. 244; "monitory reflection," IV. 334; "Instructed by these monitory lessons," IV. 424; and, in *The Federalist*, No. 20, p. 118, "this melancholy and monitory lesson of history." In referring to the experience of Great Britain the writer cites Burgh's *Political Disquisitions*. Madison was reading Burgh just about this time, for in his "Additional Memorandum for the Convention of Virginia in 1788, on the Federal Constitution," he quotes Burgh on the union between England and Scotland. (*Writings*, I. 392, note b.) I have met with no reference to Burgh in Hamilton's writings.

Number 62 continues directly the discussion in 58 on the character and utility of the two Houses of Congress.

*Number 62.*

" . . . it will be proper to inquire into the purposes which are to be answered by a Senate," (p. 387).

"It is a misfortune incident to republican government, though in a less degree than to other governments, that those who admin-

*Madison.*

" . . . it will be proper to take a view of the ends to be served by it," [*i. e.*, a Senate]. *Debates*, 241.

"A people deliberating . . . on the plan of government most likely to secure their happiness, would first be aware, that those charged

Number 62.

ister it may forget their obligations to their constituents, and prove unfaithful to their important trust," (p. 387).

"In this point of view, a senate as a second branch of the legislative assembly, distinct from and dividing the power with a first, must be in all cases a salutary check on the government," (ibid).

"The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions," (pp. 387-8).

"... a body which is to correct this infirmity ought itself to be free from it, and consequently ought to be less numerous," (p. 388).

"It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration," (p. 388).

"Another defect to be supplied by a senate lies in a want of due acquaintance with the objects and principles of legislation. It is not possible that an assembly of men called for the most part from pursuits of a private nature, continued in appointment for a short time and led by no permanent motive to devote the intervals of public occupation to a study of the laws, the affairs, and the comprehensive interests of their country, should, if wholly left to themselves, escape a variety of important errors in the exercise of their legislative trust," (p. 388).

"What indeed are all the repealing, explaining, and amending laws which fill and disgrace our voluminous codes, but so many monuments

Madison.

with the public happiness might betray their trust." *Debates*, 242.

"An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other." *Debates*, *ibid*.

"Another reflection . . . would be that they themselves, as well as a numerous body of representatives, were liable to err also from fickleness and passion." *Debates*, *ibid*.

"The use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch. Enlarge their number, and you communicate to them the vices which they are meant to correct." *Debates*, 126.

"A necessary fence against this danger would be to select a portion of enlightened citizens whose limited number and firmness may seasonably interpose against impetuous councils." *Debates*, 242.

"The members (of the Senate) ought therefore to derive a firmness from the tenure of their places." Remarks on Jefferson's Draught of a Constitution for Virginia, *Writings*, I. 185.

"It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest; and that men chosen for a short time, and employed but a small portion of that in public affairs, might err from the same cause." *Debates*, 242.

"It [the Senate] ought to supply the defect of knowledge and experience incident to the other branch; there ought to be time given, therefore, for attaining the qualifications necessary for that purpose." Remarks on Jefferson's Draught, *Writings*, I. 185.

"Try the codes of the several states by this test, and what a luxuriance of legislation do they present. . . . A review of the several

*Number 62.*

of deficient wisdom; . . . so many admonitions to the people, of the value of those aids which may be expected from a well-constituted Senate," (p. 388).

"A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. I scruple not to assert, that in American governments too little attention has been paid to the last," (p. 389).

"From this change of men must proceed a change of opinions; and from a change of opinions a change of measures," (p. 389).

"The internal effects of a mutable policy are still more calamitous. It poisons<sup>1</sup> the blessings of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow," (p. 340).

"Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of people. Every new regulation concerning commerce or

*Madison.*

codes will show that every necessary and useful part of the least voluminous of them might be compressed into one-tenth of the compass and at the same time be tenfold as perspicuous." Notes on the Confederacy, April 1787, *Writings*, I. 324.

"The want of fidelity in the administration of powers having been the grievance felt under most governments, and by the American States themselves under the British government, it was natural for them to give too exclusive an attention to this primary attribute." Letter to John Brown, August 1785, *Writings*, I. 177.

"A frequent change of men will result from a frequent return of elections; and a frequent change of measures from a frequent change of men." Number 37 of *The Federalist*, p. 218.

Cf. p. 455 *ad fin.*, also what follows it on "mutability of laws." "This evil is intimately connected with the former, yet deserves a distinct notice, as it emphatically denotes a vicious legislation. We daily see laws repealed or superseded before any trial can have been made of their merits, and even before a knowledge of them can have reached the remoter districts within which they were to operate." Notes on the Confederacy, April, 1787, *Writings*, I. 324.

"In the regulations of trade, this instability becomes a snare not only to our own citizens, but to foreigners also," *ibid.*

"The sober people of America . . . have seen with regret and indignation that sudden changes and legislative interferences, in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators, and

<sup>1</sup> A favorite metaphor with Madison. Cf. *The Federalist*, p. 81, and p. 286; also *Writings*, II. 126 and 600; III. 360 and IV. 206.

*Number 62.*

revenue, or in any manner affecting the value of the different species of property presents a new harvest to those who watch the change, and can trace its consequences."

"But the most deplorable effect of all is that diminution of attachment and reverence which steals into the hearts of the people, towards a political system which betrays so many marks of infirmity and disappoints so many of their flattering hopes,"<sup>1</sup> (p. 391).

*Madison.*

snares to the more industrious and less informed part of the community." *The Federalist*, No. 44, p. 278.

"By correcting the infirmities of popular government, it will prevent that disgust against that form which may otherwise produce a sudden transition to some very different one. . . . The real danger to republican liberty has lurked in that cause." Remarks on Jefferson's Draught, *Writings*, I. 185-6.

NUMBER 63.

*Number 63.*

The first topic is the need of a due sense of national character.

"Yet however requisite a sense of national character may be, it is evident that it can never be sufficiently possessed by a numerous and changeable body. It can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual;<sup>2</sup> or in an assembly so durably invested with public trust, that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community. The half-yearly representatives of Rhode Island would probably have been little affected in their deliberations on the iniquitous measures of that State, by arguments drawn from the light in which such measures would be viewed by foreign nations or even by the sister states," (p. 392).

*Madison.*

Motives restraining a majority from injustice.

"Secondly. Respect for character. However strong this motive may be in individuals, it is considered as very insufficient to restrain them from injustice. In a multitude its efficacy is diminished in proportion to the number which is to share the praise and the blame.<sup>3</sup> Besides, as it has reference to public opinion, which, within a particular society, is the opinion of the majority, the standard is fixed by those whose conduct is to be measured by it. The public opinion without the society will be little respected by the people at large of any country. Individuals of extended views and of national pride may bring the public proceedings to this standard, but the example will never be followed by the multitude. Is it to be imagined that an ordinary citizen or even Assembly man of Rhode Island in estimating the policy of paper ever considered or cared, in what light the measure would be viewed in France or Holland, or

<sup>1</sup> Cf. Letter to Edmund Pendleton, February 24, 1787, *Writings*, I. 230; cf. also pp. 325, 333, 350 and 445, and *The Federalist*, p. 56, for similar expressions of the same idea.

<sup>2</sup> "Respect for character is always diminished in proportion to the number among whom the blame or praise is to be divided." Madison, *Debates*, 118.

## Number 63.

"... such an institution may be sometimes necessary as a defence to the people against their own temporary errors and delusions," (p. 393).

"It may be suggested that a people spread over an extensive region cannot, like the crowded inhabitants of a small district, be subject to the infection of violent passions, or to the danger of combining in pursuit of unjust measures," (p. 394). The writer makes a cross reference to No. 10 [by Madison] for an elaboration of this theory.

The Senates of Sparta, Rome and Carthage.

"In each of the two first there was a senate for life," (p. 394).

## Carthage.

"... a smaller council, drawn out of the senate," (p. 395).

"Lastly in Sparta we meet with the Ephori, and in Rome with the Tribunes, two bodies, small indeed in numbers, but annually elected by the whole body of the people," (p. 396).

"... liberty may be endangered by the abuses of liberty, as well as by the abuses of power: ... and that the former, rather than the latter, are apparently most to be apprehended by the United States," (p. 397).

"In Sparta, the Ephori, the annual representatives of the people, were found an over match for the senate for life, continually gained on its authority and finally

## Madison.

even in Massachusetts or Connecticut?" Notes on the Confederacy, April 1787, *Writings*, I. 326.

"It would next occur to such a people, that they themselves were liable to temporary errors." *Debates*, 242.

"It may be inferred that the inconveniences of popular states, contrary to the prevailing theory, are in proportion, not to the extent, but to the narrowness of their limits." Notes on the Confederacy, *Writings*, I. 327. Cf. also *The Federalist*, No. 10, p. 58.

## Sparta

2 Kings,  
28 senators,  
Senate. 1. For life."

Additional Memorandum for the Convention of Virginia in 1788 on the Federal Constitution. *Writings*, I. 394.

## Carthage.

"Senate ... must have been great since the 100 drawn out of it," *ibid.*, p. 395.

## Sparta.

"Ephori, chosen annually by the people," etc. Additional Memorandum, etc., I. 394.

"It is of infinite importance to the cause of liberty to ascertain the degree of it which will consist with the purposes of the society. An error on one side may be as fatal as on the other. Hitherto, the error in the United States has lain in the excess." Letter to Mazzei, Dec. 10, 1788, *Writings*, I. 445.

"Ephori, chosen annually by the people and concurred in their behalf with kings and Senate, over both of whom they had authority. They ... in fine, directed every-

*Number 63.*

drew all power into their own hands," (p. 399).

"To these examples might be added that of Carthage, whose Senate, according to the testimony of Polybius,<sup>1</sup> instead of drawing all power into its vortex,<sup>2</sup> had at the commencement of the second Punic War lost almost the whole of its original portion," (p. 399).

*Madison.*

thing." Additional Mem., *Writings*, I. 394.

*Carthage.*

"Whilst Senate retained its authority, says Polybius,<sup>1</sup> wisdom and success marked everything. People at first gave way to Senate; at length, intoxicated by wealth and conquests, they assumed all power." Additional Mem., 1788, *Writings*, I. 399.

The evidence in favor of Madison's authorship of Nos. 62 and 63 is, it seems to me, absolutely decisive. Jay's authorship of No. 64 was finally established by finding a draft of the essay in his papers. It will hardly be denied that a considerable part of Nos. 62 and 63 has been found in Madison's writings. The evidence in regard to Nos. 51 and 53 is also convincing; and that in the case of Nos. 49 and 50 is confirmatory. The value of the evidence can be best appreciated by comparing it with that advanced in Hamilton's favor by his son.<sup>3</sup> It will also be remembered, in view of the direct conflict of testimony between Hamilton and Madison, that it is a question of memory and not of veracity. If the conjecture referred to on p. 446 be regarded with favor; that is, that Hamilton in haste and agitation wrote "37 to 48 inclusive by M." instead of "37 to 58," then his error in regard to Nos. 62 and 63 could easily be accounted for. He would in any case recollect the salient fact that he again took up the writing of the essays because Madison had to go to Virginia. Madison left New York March 4th. Nos. 59, 60 and 61, by Hamilton, were published February 22d and 26th. Hamilton might easily forget that Madison contributed two papers after he himself had begun to write again, just as he unquestionably did forget that Jay contributed No. 64 at that same time. That Hamilton's memory was at fault where his list differed from Madison's seems to have been the final conclusion of an exceptionally competent and friendly critic. Chancellor Kent, of New York, who was not only a friend of Hamilton's, but had listened to him in the New York Convention, and many times later in court, received from him once in Albany the assurance that the designation of the authorship

<sup>1</sup> I have not noticed any reference to Polybius in Hamilton. Besides the passage above, Madison quotes Polybius in *Writings*, I. 298, 347.

<sup>2</sup> A favorite metaphor with Madison. I have not noticed it in Hamilton's writings. For other examples in Madison's works, see *Federalist*, p. 309; *Debates*, pp. 372 and 399, and *Writings*, II. 465, and III. 246.

<sup>3</sup> See J. C. Hamilton's edition of *The Federalist*, pp. cx.-cxxxii.



of *The Federalist* in his possession was correct. Later, Chancellor Kent pasted a copy of the *Washington Gazette* list in his copy of *The Federalist* on a fly-leaf opposite the Hamilton list, and added: "Mem<sup>r</sup>. I have no doubt Mr. Jay wrote No. 64, on the Treaty Power. He made a speech on that subject in the N. Y. Convention, and I am told he says he wrote it. I suspect, therefore, from internal Ev[idence] the above to be the correct List, and not the one on the opposite Page."<sup>1</sup> The *Washington Gazette* list coincides with Madison's own list except in regard to Nos. 17, 20 and 21. It is clear then that Chancellor Kent in spite of Hamilton's assurance in regard to Nos. 50, 51, 52, 54-58, 62 and 63,<sup>2</sup> was led by the weight of internal evidence to suspect that the Madison lists assigned the authorship correctly. This change took place before the publication of Madison's *Writings* and perhaps before the publication of the *Journal* or the *Debates*. Such a change by one who was a friend of Hamilton and a careful student of *The Federalist* as well as a great lawyer is significant.

EDWARD GAYLORD BOURNE.

<sup>1</sup> Dawson's *The Federalist*, pp. cxl.-cxli.; J. C. Hamilton's edition, p. cxii., note.

<sup>2</sup> His Hamilton list assigned 49 and 53 to Madison.

## REPRESENTATION IN THE NATIONAL CONGRESS FROM THE SECEDING STATES, 1861-65

### II.

IN the Thirty-eighth Congress (1863-65) senators and representatives were admitted from the new state of West Virginia ; but none were admitted to either house from any state which was a member of the Confederacy. The committees favored admission in some cases, but the houses respectively refused to act, for reasons which may now be set forth.

Under the new apportionment act, Louisiana was entitled to five representatives instead of four. A bill had passed the lower house of the Thirty-seventh Congress redistricting the state and authorizing the "acting governors" to hold congressional elections at the times and places stated in the bill until the state legislature should meet and make other provisions.<sup>1</sup> But it failed in the Senate. As there was no legislature, no law could be passed redistricting the state. During the spring, summer and fall of 1863, Military Governor Shepley and his attorney-general, Mr. T.J. Durant, were working, though with great dilatoriness, on a scheme to call a convention to revise the Constitution and organize a state government, taking the ground that the reorganization of the state government must precede the election of congressmen. The opposition elements desired to hold an election ; but Governor Shepley would not call it, nor would General Banks interfere. In the opposition, however, were two very different factions : the pro-slavery party, which looked upon the Constitution of 1852, including the slavery clauses, as active in New Orleans and the other parts of the state excepted in the Emancipation Proclamation ; and an abolition, universal-suffrage party.

Though the latter party evidently included relatively few white men, it issued a call for an election. But Military Governor Shepley prohibited it. The prohibition was effectual save in a few suburban precincts. In these places polls were opened and an election was held on November 2, 1863, participated in by the negroes, for governor and other state officers to take office January 1, 1864, and for three representatives in the Thirty-eighth Congress. The governor thus "elected" qualified at once before a magistrate and furnished Messrs. Field, Cottman and Baker with certificates which

<sup>1</sup> *Cong. Globe*, 37 Cong., 3 sess., pp. 1483 et seq. (March 2, 1863).

they presented to Congress, claiming to represent respectively the first and second districts of the old apportionment, and the state at large.

Of course the election was neither full, fair nor free. On the motion to table the motion to refer to the committee, the vote was 74 to 101 (74 Democrats to 97 Republicans and 4 Democrats). The motion to refer then passed, 101 to 71, 98 Republicans voting in the affirmative and none in the negative. The committee unanimously reported adversely, and the house after debate sustained the report by a vote of 85 to 48 on a division. The committee in their report made much of the absence of any law redistricting the state under the new apportionment, and severely criticised the action of the federal appointees.

“It did not appear before the Committee whether the military governor acted in this matter in obedience to the orders of his superior or not ; but sufficient was disclosed to show that the loyal men of that state are much divided, and their strength wasted in pursuing and combating abstract theories, and in nursing factions, constantly aiming for the ascendancy. And there was too much evidence that the government officials have been lending the influence of their official position to the advancement of these schemes. It is time there was an end to such proceedings.”<sup>1</sup>

This means, apparently, that though the election was clearly void, and was so reported, the members of the committee had learned of the officious, if not unconstitutional, behavior of certain federal appointees, which should be brought to the attention of Congress for such action as it might see fit to take. But the expression of the committee may not have been altogether impersonal and dispassionate. The report was made in January, 1864. That date is late enough to justify us in suggesting sympathy with universal suffragists as a motive operative with some members.<sup>2</sup> Moreover, the opposition to President Lincoln was considerable even within his own party ; and such partisan interference by the President's appointees, appointed under questioned authority, would be enough to provoke a passing criticism.

In the cases thus far treated, representatives in Congress from individual districts were admitted (or rejected) regardless of the condition of the rest of the state. The remaining cases, both in the House and in the Senate, involve the question of the recognition of the state governments. The issue was precisely stated on the floor of both houses. It was real and important, not factitious or obstruc-

<sup>1</sup> The reader who desires exact references may obtain them by consulting the note at the end of the article.

<sup>2</sup> The House bill referred to in the note on page 461 declared “all free citizens,” otherwise qualified, to be legal voters ; and not simply “all free white citizens.”

tive, for the Supreme Court had said in *Luther vs. Borden*:<sup>1</sup> "When the senators and representatives of a state are admitted into the councils of the Union, the authority of the government under which they were appointed, as well as its republican character, is recognized by the proper constitutional authority; and its decision is binding on every department of the government." It is notorious what questions of statesmanship and party expediency became involved, and how much passion was shown in the matter as time went on. We have here to study the broaching of the question, the precipitation of the struggle.

In no state was the response to President Lincoln's amnesty proclamation more prompt, full and spontaneous than in Arkansas. The state had not joined the Confederacy until after the call to arms in April, 1861. Missouri, on its northern boundary, was saved to the Union and the Mississippi River was opened to Vicksburg in the first half of 1862. After the fall of Vicksburg in July, 1863, a Union army occupied nearly the whole state. Though by no means free from Confederate guerillas and Confederate sympathizers, it was isolated from the heart of the Confederacy; its troops were drawn off to fight in the East, and its secession state government was banished to a remote corner of the state. There was not and could not be any local and state government except such as could be organized by those willing to act in the presence of the Union army and under its protection. As a matter of fact, the movement for the reorganization antedated the amnesty proclamation of December 8, 1863, by more than two months. But not until January, 1864, was a new constitution abolishing slavery adopted, and a state government organized. Two senators and three congressmen-elect applied for admission to Congress immediately thereafter.

On February 16th the House had under consideration the credentials of J. M. Johnson, from the third district. Mr. Henry Winter Davis (Md., Rep.), seconded by Mr. Boutwell (Mass., Rep.), and Mr. Stevens (Pa., Rep.), vigorously opposed their reference to the Committee of Elections in the usual way, because the more important question of the recognition of the state government of Arkansas would be made incidental to the subordinate question of the claimant's right to a seat. He finally moved to instruct the committee to investigate and report "whether there is any such existing organized government in the state of Arkansas as entitles the state and its people to be represented in the Congress of the United States." The instructions were rejected, 53 yeas to 104 nays (46 Republicans and 7 Democrats to 39 Republicans and 65 Democrats). The case was then sent to the committee.

<sup>1</sup> Howard, 1.

The attitude of the Democrats is significant. The members of the Committee of Elections, with the exception of Messrs. Smithers (Del., Rep.) and Upson (Mich., Rep.), whose minority report in a later case will be noticed in due time, voted against the instructions. Mr. Dawes urged that the only right and courteous thing to do was to give the claimant an opportunity to be heard. He further said: "I can see very well what grave questions are to trouble us in the discussion of this subject upon this floor. In the examination of the questions which come before the Committee on Elections, they have hitherto not found it necessary to involve those graver and more serious questions; and I trust they may be able to put them off still further." However, on June 28th, he reported from the committee a joint resolution, calling on the President to appoint a commission to visit the states in rebellion which should have taken measures to reestablish state governments, and to examine and report as early in the next session as possible the condition of affairs therein; and further resolving that: "Until Congress shall be satisfied upon evidence submitted to them that the rebellion has been so far suppressed in any such state that there has been established therein a state government, republican in form, and prohibiting the existence of slavery in the same, and so firmly established as to be able to maintain itself against domestic violence, representation from any such states ought not to be admitted into either branch of Congress." The minority, through Mr. Brown (Wis., Dem.), also submitted resolutions concluding with the resolve that if the claimants from Arkansas should satisfy the House "that in their election they departed in nothing from the Constitution and existing laws of the state, save in supplying requisite officers, and that they received a vote of a majority in their respective districts," they were entitled to seats.

On a motion to lay the whole subject on the table, the House divided, 45 yeas, 63 nays. On a motion to postpone until the first Monday of December, the yeas and nays were called and the motion was lost, 50 to 78 (one Republican and 49 Democrats to 75 Republicans and 3 Democrats). The question came up again on June 29th. After a speech from Mr. Brown in behalf of the minority report, the House laid the whole matter on the table, 80 yeas to 56 nays (41 Republicans and 39 Democrats to 32 Republicans and 14 Democrats).

Just before the report of the House Committee of Elections was made, the Senate had before it the credentials of Messrs. Fishback and Baxter, senators-elect from Arkansas, and a joint resolution recognizing the free state government of Arkansas. A lengthy dis-

cussion ensued in which various conflicting opinions were advanced upon the questions of constitutional interpretation and expediency involved. The President was criticised for presuming to interfere. It was also pointed out that this state and any others admitted in the immediate future would participate in the coming presidential election, and that the whole policy of the reorganization of all the rebellious states was involved, a consideration that contributed rather to appall the Senate than to solve the difficulty. A motion to lay on the table was defeated, 5 yeas to 32 nays (4 Republicans and 1 Democrat to 26 Republicans and 6 Democrats), and so the whole matter was referred.

The committee reported a recommendation that the resolution be not passed and that the claimants be not seated. Senator Trumbull, the chairman, is himself authority for the statement that they "sought to avoid in their report the controversial point" whether Arkansas was a state in the Union or not. Their recommendations were based on the ground that the body by which the claimants were elected was not "in a constitutional sense the legislature of Arkansas." The fact that less than one quarter as many voters took part in the reorganization of the state as usually participated in an election before the war was not fatal in itself. But the state was not free from military control, it was alleged, and there were loyalists who could not participate. The President had not "recalled his proclamation [July 13, 1861] which declared the inhabitants of Arkansas in a state of insurrection against the United States," and there was no evidence that the insurrection had been suppressed. While a portion of the state was actually in control of the enemies of the United States, other portions were only held in subordination to the laws of the Union by military force. "While this state of things continues and the right to exercise armed authority over a large part of the state is claimed and exercised by the military power, it cannot be said that a civil government, set up and continued only by the sufferance of the military, is that republican form of government which the Constitution requires the United States to guarantee to every state in the Union." The people of Arkansas must be able to act "by the aid of and not in subordination to the military" before their government can be recognized.

Plainly the military control most complained of was that exercised by the Union army. While the complaint may seem reasonable on its face, it would be incorrect not to see in it also some trace of jealousy of the administration by which the army officers were inspired to promote reorganization.

A motion, made by Mr. Wade (Ohio, Rep.) to postpone and

take up H. R. 244, providing a form of government for the seceded states, was defeated, 5 yeas (all Republicans) to 28 nays (including 7 Democratic votes). The report of the committee was then adopted, 27 yeas to 6 nays (20 Republicans and 7 Democrats to 5 Republicans and one Democrat).

Meanwhile the people of Louisiana were reorganizing, with the assistance of General Banks. A full corps of state officers was chosen and took office in March, 1864. The military governor and his appointees retired before them. A convention was held, which revised the Constitution and abolished slavery; redistricted the state and called a congressional election to fill vacancies. In September the revised Constitution was ratified by popular vote and congressmen and a state legislature were elected. In October the legislature chose United States senators and in November it chose an electoral college which would vote for Lincoln. The electoral vote of the state was not counted, neither were the senators and representatives admitted. We must here limit ourselves to a consideration of the fate of the representatives and senators-elect.

All the cases were presented early in the session and properly referred. The House committee was the first to report, but only on February 11, 1865, after the joint resolution excluding the electoral vote of Louisiana, Arkansas, etc., had been passed by both houses. The majority report recommended that Mr. Bonzano be seated as a representative from the first district of Louisiana. The minority report, signed by Messrs. Smithers (Del., Rep.) and Upson (Mich., Rep.), recommended that he be not seated. On February 17th the committee reported favorably in two companion cases from Louisiana, the cases of Mr. Field, from the second, and Mr. Mann, from the third district; and also in two of the Arkansas cases referred to the committee in the former session, those of Messrs. Jacks, from the first, and Johnson, from the third district. The House took no action whatever on any of the cases. Our interest is directed to the reports of the committee.

The significant part of the majority report begins with a reference to Messrs. Flanders and Hahn, members of the Thirty-seventh Congress from Louisiana, whose admission "had a most salutary effect upon the people of the state," and promoted the desire for the resumption of state functions "throughout all that part of the state within our lines."

"This election depends for its validity," the report continues, "upon the effect which the House is disposed to give to the efforts to reorganize a state government in Louisiana." It is objected "that they neither originated in nor followed any preëxisting law of the

state or nation." But the committee show that there was no law in the state applicable to the extraordinary circumstances, nor any body capable of passing such a law, and that Congress has no constitutional authority to "pass an enabling act for the state." Hence "it follows that the power to restore a lost state government in Louisiana existed nowhere, or in the people, the original source of all political power in this country. The people, in the exercise of that power, cannot be required to conform to any particular mode, for that presupposes a power to prescribe outside of themselves, which it has been seen does not exist. The result must be republican, for the people and the states have surrendered to the United States, to that extent, the power over their form of government, in this that the United States shall guarantee to every state a republican form of government." The committee then considered whether the reorganization was the work of the people, and satisfied themselves "that a majority of not only the loyal people, but of all the people of the state participated."

But the minority members held a directly contradictory opinion. There was an overawing power, they said, and the great body of the loyal people "did not participate or clearly concur" in the action taken; and they make citations from the evidence submitted to the whole committee which support their position. The larger portion of the territory and perhaps half the population, they said, was outside the federal lines. Moreover, in New Orleans the faction that was supporting McClellan for the presidency and the Durant faction did not participate in the elections of September, 1864.

A study of the reports and the evidence leads me to the conclusion, not prejudiced, I sincerely hope, that while both reports state their conclusions in somewhat exaggerated terms, the main contention of the majority, that the state government as organized was the choice of the majority of the loyal people, by expression or acquiescence, and that it could maintain itself against "domestic" violence, is clear enough.

The report of the Committee on the Judiciary, in the case of Messrs. Smith and Cutler, senators-elect from Louisiana, was laid before the Senate almost immediately. It is sufficient to quote the concluding paragraphs:

"The persons in possession of the local authorities of Louisiana having rebelled against the authority of the United States, and her inhabitants having been declared to be in a state of insurrection in pursuance of a law passed by the two houses of Congress, your committee deem it improper for this body to admit to seats senators from Louisiana till by some joint action of both houses there shall be some recognition of an



existing state government acting in harmony with the government of the United States and recognizing its authority.

"Your committee, therefore, recommend for adoption, before taking definite action upon the rights of the claimants to seats, the accompanying resolution :

*"Resolved, etc., That the United States do hereby recognize the government of the state of Louisiana, inaugurated under and by the convention which assembled on the sixth day of April, A. D. 1864, at the city of New Orleans, as the legitimate government of said state, entitled to the guarantee and all the rights of a state government under the Constitution of the United States."*

On Friday, February 24th, the resolutions came up for discussion. Practically the whole of the night session, more than half of the morning session and nearly the whole of a protracted night session on Saturday, February 25th, and nearly an hour on Monday morning, February 27th, were devoted to them. Senator Sumner moved to substitute resolutions which, among other things, offered both political and civil rights regardless of color or race. It was further moved to amend the substitute by adding the word "or sex;" and on this ridiculous amendment to an amendment the sense of the Senate would have been first taken had the resolutions ever come to a direct vote. The majority of the senators present Saturday night were ready to come to a final vote. But there was opposition; five times the yeas and nays were called on motions to postpone or adjourn. Nineteen senators were absent and 31 present; of whom 7 Republicans and 5 Democrats, including Mr. Powell (Ky.), the only Democratic member of the Committee on the Judiciary, voted in the affirmative; and 2 Democrats and 17 Republicans voted in the negative, including all the Republican members of the committee save one, who if present would undoubtedly have voted nay also.

Senator Trumbull charged the Republican members of the minority with factious obstruction. Senator Sumner, to whom the remarks were particularly addressed, repudiated the charge of factiousness, but insisted that the Senate could not be brought to a vote that night. "Parliamentary law is against" it; "and the importance of the measure justifies a resort to every instrument that parliamentary law supplies." When the Senate finally adjourned (without division) the measure was left as unfinished business. The impression made by the votes and the debate is that the resolutions of the committee would have passed that night if they had been brought to a vote.

On Monday morning, February 27th, at noon, with just five days more before the close of Congress and with five important bills, the internal revenue bill, the Indian appropriation bill, the civil appro-

priation bill, a tariff bill and the army and navy appropriation bill still unfinished, Senator Sherman, chairman of the Finance Committee, moved to pass over the unfinished business and take up the special order for the day, the internal revenue bill. Mr. Trumbull fought for nearly an hour against postponement, on the ground that the resolution could be disposed of in a few hours more, but Senator Sherman's motion prevailed, 34 to 12. Nine of those who voted nay on Saturday voted yea on Monday. The resolutions were never again reached. Their importance was fully recognized. But it was undoubtedly true, as alleged in debate, that some wanted universal suffrage or nothing, others were convinced that it was a very serious question what to do with the free negro, a question on which they hardly knew their own minds, neither was there an expression by the country as yet; it could hardly be expected that the resolutions would pass the house in the press at the close of this final session of the Thirty-eighth Congress; the matter would surely come up early in the next Congress in some form; and the financial measures were very urgent. On March 3d the committee asked to be discharged from the consideration of a resolution recognizing the government of Arkansas.

It is proper to stop here. We have followed the earlier period of reconstruction practically to its close. During the summer of 1865 President Lincoln's policy was extended by his successor. A number of congressmen and senators were ready to apply for admission in December. But it was more than ever apparent that presidential reconstruction in the seceding states would result presently in putting the state governments into the hands of men who had taken part in the war, into the hands not of consistent loyalists but of men who, though they could take the amnesty oath without perjury, had not laid down arms until military necessity drove them to it; who four years before had heartily undertaken the defense of the new Confederate government. Doubts as to trusting the management of the free negroes to them might easily arise; and action that would commit the state governments to their control beyond the power of Congress to recall might well be adopted with caution by the party which had fought to save the Union and free the slaves. The Joint Committee on Reconstruction was appointed by the Thirty-ninth Congress immediately after it assembled and everything relating to the reorganization of the seceding states and the admission of representatives and senators was made to wait upon their report. They reported in the spring of 1866, and legislation was soon passed taking the initiative out of the hands of the President and of the people of the states and regulating the matter by national

law. This break in the continuity of development makes the close of the Thirty-eighth Congress the end of a period.

FREDERICK W. MOORE.

#### NOTE.

Applications for admission to the National Senate and House of Representatives from the Seceding States during the Thirty-eighth Congress, 1863-1865.

The border States—Delaware, Maryland, Kentucky and Missouri—are omitted from the list and are not considered in the main article, since the contests from them involved, in the main, a very different set of considerations.

Senate, Thirty-eighth Congress, First Session, December 7, 1863.

L. J. Bowden, of Virginia, succeeded W. T. Willey, resigned, at the special session of the Senate, March 4, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 1553.

Waitman T. Willey and P. G. Vanwinkle, of West Virginia. Their credentials were received and they were admitted December 7, 1863. *Cong. Globe*, 38 Cong., 1 sess., p. 1.

W. M. Fishback and E. Baxter, of Arkansas, on June 13, 1864, were refused seats. *Cong. Globe*, 38 Cong., 1 sess., pp. 2392, 2458, 2586, 2842, 2895-2906, 3285, 3360-3368; *Cont. Elec.*, 641; *Senate Reports*, 38 Cong., 1 sess., No. 94.

Second Session, December 5, 1864.

Joseph Segar, of Virginia. His credentials as senator to succeed L. J. Bowden, deceased, were received and laid on the table, February 17, 1865. *Cong. Globe*, 38 Cong., 2 sess., pp. 845, 849.

R. King Cutler and Charles Smith, of Louisiana. Their credentials were promptly referred to the committee, which reported on February 18, 1865, a joint resolution recognizing the free state government of Louisiana. On February 27 the resolution was postponed and never again reached. *Cong. Globe*, 38 Cong., 2 sess., pp. 5, 8, 903, 1011, 1091, 1101, 1128; *Cont. Elec.*, 643; *Senate Reports*, 38 Cong., 2 sess., No. 127.

Michael Hahn, of Louisiana. His credentials were received March 2, 1865, and laid on the table. *Cong. Globe*, 38 Cong., 2 sess., p. 1278.

Senate, Special Session, March 4, 1865.

William D. Snow, of Arkansas. His credentials were referred March 8th to the Committee on the Judiciary, which next day reported recommending "that the question of the admission of Mr. Snow to a seat be postponed till the next session of Congress, and until Congress shall take action in regard to the recognition of the alleged existing state government in Arkansas." The recommendation was agreed to. Thereupon

the credentials of John C. Underwood, of Virginia, were presented, the credentials of Messrs. Segar and Hahn were again presented, and all were postponed until the next session. *Cong. Globe*, 38 Cong., 2 sess., pp. 1427-1434. *Senate Reports*, 38 Cong., 2 sess. (Special Session).

House of Representatives, Thirty-eighth Congress, First Session,  
December 7, 1863.

A. P. Field, from the first district of Louisiana, Thomas Cottman, from the second, and Joshua Baker, from the state at large. All three names were entered on the roll by the clerk. Field and Baker took part in the election of speaker, but on a yea and nay vote their cases were sent to the Committee of Elections and they were not allowed to be sworn in. Mr. Baker seems never to have pressed his claims. Mr. Cottman soon resigned. The committee recommended that Mr. Field be not seated, and the House so ordered, February 9, 1864. *Cong. Globe*, 38 Cong., 1 sess., pp. 4, 5, 6, 7, 8, 33, 332, 411ff., 543ff.; *Cont. Elec.*, p. 580; *House Reports*, 38 Cong., 1 sess., No. 8.

Joseph Segar, from the first district of Virginia, was refused a seat, May 17, 1864. *Cong. Globe*, 38 Cong., 1 sess., pp. 6, 12, 332, 2311-2323, 2424; *Cont. Elec.*, p. 577; *House Reports*, 38 Cong., 1 sess., No. 9.

Lewis McKenzie vs. B. M. Kitchen, from the seventh district of Virginia. Both were refused seats. G. C. Smith (Ky., Rep.) made a minority report recommending that Mr. Kitchen be seated. The cases were disposed of February 26 and April 16, 1864, respectively. *Cong. Globe*, 38 Cong., 1 sess., pp. 6, 18, 37, 847ff., 1673ff., 2424; *Cont. Elec.*, p. 468; *House Reports*, 38 Cong., 1 sess., No. 14.

L. H. Chandler, from the second district of Virginia, was refused a seat, May 17, 1864. *Cong. Globe*, 38 Cong., 1 sess., pp. 6, 12, 1854, 2311-2323, 2424; *Cont. Elec.*, p. 520; *House Reports*, 38 Cong., 1 sess., No. 59.

M. F. Bonzano from the first district, W. D. Mann from the second, T. M. Wells from the third, R. W. Taliaferro and A. P. Field, all from Louisiana. The claims of Messrs. Wells and Taliaferro were never reported on. It does not appear that they were ever present. The committee reported favorably in the case of Mr. Bonzano, February 11, 1864, and in the case of Messrs. Field and Mann, February 17th. But the House did not take up the reports. *Cong. Globe*, 38 Cong., 1 sess., pp. 2, 3, 756, 870, 1395; *Cont. Elec.*, pp. 583ff; *House Reports*, 38 Cong., 1 sess., No. 8.

T. M. Jacks from the first, A. C. Rodgers from the second and J. M. Johnson from the third district of Arkansas. Their credentials were presented in the first session of the Thirty-eighth Congress. At the next session Messrs. Jacks and Johnson were recommended for admission. No action was taken. *Cong. Globe*, 38 Cong., 1 sess., pp. 574, 680, 884, 2253, 2289, 3178, 3389, 3423, 3517, 3527; 38 Cong., 2 sess., pp. 870, 1395; *Cont. Elec.*, p. 597; *House Reports*, 38 Cong., 1 sess. (probably not printed); 38 Cong., 2 sess., No. 18.

## DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

### *1. Emigration from Yorkshire to West Jersey, 1677.*

The two letters which follow are from the letter-book of Sir John Reresby, now in the Bodleian Library at Oxford. Its reference number is Rawlinson MS. D. 204, and the letters are to be found on folios 64 b and 66 b. The second letter is undated, but was evidently written much about the same time as the earlier one. In his printed *Memoirs*, edited by Mr. J. J. Cartwright in 1875, and also published in a more abridged form in 1734 and 1813, Reresby does not refer to this emigration. The Earl of Danby to whom the first letter was addressed was appointed in 1674 Lord Lieutenant of the West Riding of Yorkshire, and immediately after his appointment had commissioned Reresby as Deputy Lieutenant (*Memoirs*, p. 93.)

C. H. FIRTH.

#### I.

(MS. Rawl. D. 204, fol. 64 b.)

JULY 17, 1677.

To Thom. Earle of Danby Ld. high Treasurer  
of England.

May it please y<sup>r</sup> Lordship

(fol. 65) My Lord I thought it my duty to offer another matter to y<sup>r</sup> Lordships Consideration viz<sup>t</sup> severall persons with their wiues and children (in all to near the nomber off 200) many of them Quaquers and other dissenters inhabitants about sheffield and the adjoining parts of Nottinghamshire and Darbysh<sup>r</sup> haue lately gone and are euey day as yet going by the way of Hull to transport themselues to an Island in America called west Jarsey, and are dayly followed by others upon the same design; Insomuch as soe many leauing the Country togather giues some discouragement to thes parts, that suffer already ffor want of people; Others going from us frequently for London Ireland and other plantations.

*Emigration from Yorkshire to West Jersey, 1677* 473

One of the Menagers of this Affair (whom I bound ouer to the last sessions for enticeing away servants from their masters) owned publicly that they had noe leaue from his Ma<sup>y</sup> or the Council to depart the realme; that they had purchased the Island being 200 Miles in length and 60 Miles ouer for 1500 of his [fol. 65 b] Highness the D. of York; that it was as yet uninhabited, but that He hoped it would be peopled in a short time soe as to giue a good Account of their Adventure.

My L<sup>d</sup> if his Maiesty thinke fitt to discourage this enterprise I humbly conceiue it will be necessary that a speedy stop be put to all ships bound for that island from Hull and if y<sup>r</sup> Lordshp. please to order me to giue y<sup>r</sup> any further Account as to the names of the undertakers or any other perticulers, I shall doe the best I can to inform my selfe of them, and to obserue y<sup>r</sup> Lordsh<sup>ps</sup> Commands therein that am y<sup>r</sup> serv<sup>t</sup>.

J. R.

We meet on Thursday next at Pontefract in order to the settling of the Militia: This side of the Country is well pleas'd w<sup>th</sup> the sum giuen his Ma<sup>y</sup> and pays it w<sup>th</sup> all willingness.

II.

(Rawlinson MS. D. 204, fol. 66 b.)

9 br. the 20: 77.

To S<sup>r</sup> Jo. Worden secretary to his highness  
the Duke of Yorke.

S<sup>r</sup>

Though the matter be of noe great concern I thought it was my duty to suffer nothing to pas here wherein his Royall Highness is the least concerned without his knowledge and therefore offer this to you to inform His highness therewith as y<sup>e</sup> shall see caus: &c.

Seuerall persons from parts here adjacent to the number of near 200 (besides others preparing to goe the next Spring) haue this last year gone from Hul Scarbrough and other ports, under pretence of planting themselves in an Island called new Jersey or west Jersey in America; The principall of them are sectaries but the rest able servants and Labourers, [fol. 67] engaged many of them by the undertakers without their masters or Parents consent. Insoemuch that (soe many departing together, out of a country in great want of people already, and in such a manner) seuerall Complaints were made to the Just<sup>s</sup> of the peace, who bound one Ric: Mathews of Sheffield<sup>1</sup> a Quaker and a cheif undertaker to appear at the next sessions for the west riding to answer his proceedings wher not being able to shoue that he had any leaue or Authority for thus transporting the Kings subjects He was from thenc bound ouer to the next Assizes at Yorke to make his defence. Since the sd Sessions held at Barnsley the 12 Oct. last past He the s<sup>d</sup> Mathews came here to me upon the 24 of Oct. and

<sup>1</sup> The name of Richard Matthews is found among those signed to "The Concessions and Agreements of the Proprietors Freeholders and Inhabitants of the Province of West New Jersey in America," March 3, 1677. *New Jersey Archives*, I. 268.—Ed.

offered to produce a Copie of a purchass of the sd. Island from [fol. 67 b] his highness the Duke of Yorke to certain persons under whom he claims pretending by that a Libertie or licence by Implication to send ouer inhabitants to plant the same ; the Island being only bought to that vse and purpas.

S<sup>r</sup> If the Conuayance be from his R. Highness and under such a Condition, I should be glad to receiue his plesure therein before o<sup>r</sup> next sessions soon after Xmas wher the Recognisance for the said Mathews his appearance or further trouble at the Assizes may be withdrawn, or his Highness may please to giue order to the Judges of Assize for the discharge of it ther what commands his Highness shall thinke fitt to direct to me in this or any other perticular shall be duely obserued by

Yrs.

J. RERESBY.

## 2. Carondelet on the Defence of Louisiana, 1794.

The following document is a letter from Baron Carondelet, governor of the provinces of Louisiana and West Florida, to his captain-general, and enclosed in a letter from Carondelet to the Duke of Alcudia, first secretary of state, etc., December 1, 1794 (No. 48 Secret; *Archivo general central en Alcalá, Estado*, Legajo 3897). The letter is translated by Professor W. F. Giese, of the University of Wisconsin, from the copy secured in 1883 for the Draper Collection (39 Clark MSS., p. 16) of the State Historical Society of Wisconsin, and kindly furnished by Mr. Reuben G. Thwaites, Secretary of the Society. The document shows the governor's preparations for resisting the proposed French expedition against New Orleans, in 1793-1794, projected by the minister Genet, with George Rogers Clark in command of the Kentucky forces. The full collection of the Draper manuscripts, so far as they illustrate this expedition, will appear in the forthcoming report of the Historical Manuscripts Commission ; but this letter is separately published as being less directly concerned with the Clark-Genet project, and as revealing the ideas of the Spanish authorities with respect to the advance of the American frontiersmen ; the Spanish plans for resisting an attack by river and sea ; the military condition of Louisiana posts in 1794 ; the Spanish opinion concerning the boundaries of Louisiana ; and the effort of Carondelet to secure an exploration up the Missouri to the Pacific ocean, prophetic of Lewis and Clark's expedition.

The letter is followed in the original by an enclosure of four or five thousand words, giving additional data regarding the strategic value of the separate posts, their armament ; amounts necessary to place them in order ; distances, etc.

The maps referred to in the letter are not in the Draper Collection. But excellent maps and plans of the fortifications mentioned on the Mississippi were made by General Collot for the French government in 1796, and are published in the atlas accompanying Collot's *Journey in North America*, Paris, 1826.

FREDERICK J. TURNER.

CARONDELET TO ALCUDIA.

NEW ORLEANS, NOV. 24, 1794.

Baron de Carondelet gives detailed information concerning the condition and strength of Louisiana, the respective situation of its strongholds, forts and points of vantage, etc.

No. 129. Most Excellent Sir,

In compliance with your order of the 16th of last June, in which your Excellency requests me to send the most detailed information obtainable concerning the condition and strength of Louisiana, the respective situation of its strongholds, forts and points of vantage, and other particulars that must be known in order that the plan of defense suited to the circumstances of this province may be examined by a body of generals, in conformity with the wishes of His Majesty; I have ordered the accompanying map to be drawn up, in accordance with the most trustworthy representations obtainable since I took possession of this government: for all the maps printed in England, in the United States, and in France are absolutely false, particularly as to the course of the Misisipi<sup>1</sup> and Misuri rivers, while at the same time those settlements both Spanish and American which date since its publication, are necessarily omitted.

Louisiana, which extends from 29° North latitude to beyond the fiftieth parallel, comprises about a thousand leagues, between the mouths of the Misisipi or the Ocean and the source of the former; a boundary incontestably acknowledged by England in the sixth article of the treaty of peace of 1763, by virtue of which Spain can contest with the English and Americans the commerce they are carrying on with the savage tribes living above the 44th parallel; but I consider that the attention and efforts of Spain must be confined to the conservation of the control of the Misisipi as far as the river St. Peter,<sup>2</sup> situated in the same latitude; in the meantime the growth of the population of the settlements of Illinois,<sup>3</sup> which must be considered as yet only in their infancy, will not admit of rivalry with the English of Canada, and particularly with the Americans, who, advancing with incredible rapidity toward the North and the

<sup>1</sup> The spelling of proper names in the original has been preserved in the translation when this would cause no mistake or uncertainty.

<sup>2</sup> *San Pedro*.

<sup>3</sup> *Illinoi*.



Misisipi, will assuredly force Spain to recognize the Misuri as the limit within a short time, and perhaps they will pass beyond it unless the plan is adopted which I have proposed to his Majesty in reserved communication No. 36, of June 3rd last, sent through the Ministry of State.

In case Louisiana did not extend beyond the Misuri, it would suffice to glance at the map to be convinced of its importance for the preservation of the interior provinces of New Spain and of the kingdom of Mexico, which the Misisipi and Misuri rivers enclose<sup>1</sup> from the Gulf almost to the South Sea ; at least, from the reports of various traders and travellers who have lately penetrated by the Misuri among the savage tribes, of which we had scarcely any knowledge, it is to be inferred that this great river, navigable throughout, rises at a slight distance from a chain of very high mountains which are not over forty leagues distant from the South Sea ; and it is even supposed that there rises at the foot of these mountains another large and navigable river, which empties into this sea. I hope we shall soon have information regarding this matter, through the efforts of the company of explorers just established in San Luis de Illinois,<sup>2</sup> and the reward which I have promised to the one who, following the Misuri, shall penetrate to the above-mentioned sea and bring certain news concerning the situation and strength of the Russian settlements, in case they approach that part of the coast.

When France ceded Louisiana to Spain in '62, it did not comprise more than sixty leagues on the eastern bank of the Misisipi, from its mouth to Iberville,<sup>3</sup> and on the western bank a thousand from the mouth of the river to the comparatively unknown source of the same.

The total population of Louisiana amounted to scarcely 17,000 souls ; its commerce was carried on with six vessels and was limited to indigo and furs : Louisiana, therefore, in the hands of the French, was almost a nonentity, and although its inhabitants carried on some contraband operations in the Gulf, (the only branch of industry yielding a profit capable of arousing their avidity,) on account of the close alliance of France with Spain, they did not dare to penetrate into the interior provinces nor to undertake contraband enterprises on the sea capable of giving rise to complaints on her part.

By ceding this province the French got rid of a territory which the vicinity of the English and their commercial rivalry made them despair of rendering fruitful and of preserving, while its possession was rendered highly onerous to them by the cupidity of governors and other functionaries.

At the time of this cession and subsequently, while the English ruled what at present forms the United States of America, Louisiana did not deserve particular attention from the Spanish government ; because the English, satisfied with their numerous possessions on this continent as well as with the lucrative contraband enterprises facilitated by the navigation

<sup>1</sup> *Circumvalan.*

<sup>2</sup> St. Louis, Mo.

<sup>3</sup> *Iberville.*

of the Misisipi and of the Lakes to their settlements of Manchak, Baton Rouge and Natchez, never thought of penetrating into the interior provinces and through their activity and contraband traffic the province was kept in the same state of torpor and poverty as before, so that its revenue did not exceed 115 dollars.<sup>1</sup>

The North American revolution and the taking of the forts of Manchak, Baton Rouge, Natchez, Mobile and Pensacola, entirely changed the state of things on this continent. Spain, when peace was made, acquired an immense territory, since from San Luis de Ilinoia to the extremity of Florida is a distance of over 692 leagues: a territory in Louisiana, rich, fertile and watered by innumerable navigable rivers emptying into the sea, so that agriculture and commerce on a vast scale are here possible. Indigo inferior to that of Guatemala but superior to that of Caracas; cotton of very good quality but not very abundant; sugar-cane for making molasses; rice of superior quality; maize; timber for masts or building; these are the products of lower Louisiana; grain, sufficient in time for supplying our islands; tobacco, equal to that of Virginia; maize, barley, salt meat, rich and abundant furs, lead mines on the surface of the earth, such are the products of upper Louisiana. The population of both consists now of 40,000 industrious and warlike people for whose commerce and supplies a hundred vessels a year are insufficient.

These great advantages are counterbalanced by the immoderate ambition of a new people, adventurous and hostile to all subjection, who have gone on gathering and multiplying in the silence of peace and almost unnoticed, with a prodigious rapidity, since the recognition of the independence of the United States up to this date. They began with those soldiers to whom, as a reward for their services in the war of independence, were given the uncultivated lands of Kentucky and of the southern bank of the Ohio. The fertility of the soil, the charms of the climate, the promising navigation of the Misisipi and the Ohio, the spirit of insubordination and the revolutions of Europe attracted so many people to Kentucky and to the lands west of the Alegany and Apalache mountains, that the vast territory, which in 1780 was uninhabited, already comprises three states and various settlements, whose total population exceeds 50,000 men capable of carrying arms and is increasing annually by the addition of more than 10,000 emigrants from Europe.

This vast and restless population, progressively driving the Indian tribes before them and upon us, seek to possess themselves of all the vast regions which the Indians occupy between the Ohio and Misisipi rivers, the Gulf of Mexico and the Apalache mountains, thus becoming our neighbors at the same time that they demand with menaces the free navigation of the Misisipi. If they achieve their object, their ambitious projects will not be confined to this side of the Misisipi; their writings, public papers and speeches all turn on this point, the free navigation to the Gulf by the rivers Misisipi, Mobile,<sup>2</sup> Pearl<sup>3</sup> and Apalachicola which empty

<sup>1</sup> Original is not clear here; possibly 1,150 pesos, or the last figure might be an 8 or 9.

<sup>2</sup> *Mobile*.

<sup>3</sup> *Pearla*.

into it, the rich fur trade of the Misuri, and in time the possession of the rich mines of the interior provinces of the very kingdom of Mexico. Their mode of growth and their policy are as formidable for Spain as their arms: every new settlement amounting to 30,000 souls forms a state, which is included in the United States as regards reciprocal protection, but which governs and taxes itself. Their roving spirit and the readiness with which these people procure sustenance and shelter, facilitates rapid settlement. A rifle<sup>1</sup> and a little corn-meal in a bag is sufficient for an American wandering alone in the woods for a month; with the rifle he kills wild cattle and deer for food and also defends himself against the savages; the corn-meal soaked serves as bread; with tree-trunks placed transversely he forms a house, and even an impregnable fort against the Indians, building a second story above the first. The cold does not terrify him, and when a family grows weary of one locality it moves to another and settles there with the same ease. In this manner and in eight years has grown up the settlement of Cumberland, which is about to declare itself a state.

If such men come to occupy the banks of the Misisipi and Misuri, or secure their navigation, there is no doubt that nothing will prevent them from crossing and penetrating into our provinces on the other side, which being to a great extent deserted can not oppose any resistance. But, even if they were not so, who shall warrant that their few inhabitants will not unite with joy and eagerness with men, who, offering them their help and protection for the securing of independence, self-government and self-taxation, will flatter them with the spirit of liberty, the hope of free, extensive and lucrative commerce, etc.? In my opinion, a general revolution, in America, threatens Spain, unless a remedy be applied promptly and forcibly. I am aware that being involved in so burdensome a war, Spain can with difficulty devote attention to this matter, however important; but, the evil being as yet only in its beginning, I consider that a provisional remedy may be resorted to which will forestall these prejudicial results until a more favorable time permit a radical cure.

I have clearly shown, in several communications addressed to his Excellency the Duke de Alcudia, that all the power of the Atlantic states is insufficient to restrain those of the west who are resolved to secure by force of arms the navigation of the Misisipi and to separate themselves from the former, in case they seek to oppose their project, by declaring themselves independent or by uniting with Canada. I have shown the moral impossibility in which Spain is placed, of attacking the Kentuckians and other Western settlers in their own country; but at the proper time I have proposed the means of protecting Louisiana from their projects and of devastating all their possessions, by means of our allies the Chactas,<sup>2</sup> Chicachas,<sup>3</sup> Criks<sup>4</sup> and Cheroquies,<sup>5</sup> who, fearing the interruptions of the Americans, will be disposed, provided always they be incited with presents and arms, to levy the most destructive warfare.

With two Spanish regiments complete in addition to the fixed forces

<sup>1</sup> *Carabina*.    <sup>2</sup> Choctaws.    <sup>3</sup> Chickasaws.    <sup>4</sup> Creeks.    <sup>5</sup> Cherokees.

of the province, 150 gunners, the six galleys and two galiots already existing, well-manned, and an addition of a hundred thousand dollars annually to the Indian budget for the purchase of arms, ammunition and presents necessary in order to employ the tribes effectually, I answer for Louisiana and for the exclusive possession of the Misisipi river by Spain, against all the power and all the forces of the American states, whether united or separated from the Atlantic states; but for this purpose, it is necessary to increase promptly the defenses of New Madrid and Nogales<sup>1</sup> with earthworks, until his Majesty decide on the construction of those to be fully described hereafter.

After taking these provisional measures, if to Kentucky and to the other western settlements be offered war on the one hand and peace on the other, on the conditions set forth in private communication No. 36 which I sent to his Excellency the Duke de Alcudia, I am persuaded that the tempest which threatens Louisiana and the other Spanish possessions in America will for some years be dissipated; and will even be so permanently, if approval is given to the plan of free commerce with the friendly tribes as proposed in the same communication, as it is certain that Louisiana will in a few years equal or perhaps surpass in fertility, cultivation, commerce and wealth, the American states of the West. Spain will find in its inhabitants an active force, composed of brave and warlike men, equally fitted for service by land or sea, and which can be employed in case of war against any power except France, for expeditions in America and particularly for the defense of the island of Cuba and of the kingdom of Mexico; the royal revenues which have scarcely amounted to 90,000 dollars hitherto, and which will possibly fall below 60,000 this year, as I predicted on seeing the new regulation that has been published, will pay the outlay of the royal Treasury in full within ten years, even though estimated at 700,000 dollars.

Recurring to the defensive plan which it seems to me indispensable to adopt at present, when the American states of the West, about to convene in an assembly, are seeking to profit by the opportunity offered them by the present war against France, to open the Misisipi for themselves, I am of the opinion that our settlements from the Misuri river to New Madrid should be protected by a regiment, the first battalion being stationed in San Luis de Ilinoia, and the second in New Madrid, dividing between them the forty leagues intervening on the western bank of the Misisipi, so as to prevent by a few small detachments the incursion of scattered bands that might cross the river, and maintaining in the settlement of Saint Genevieve,<sup>2</sup> the center of this extension, a strong detachment from both battalions, to restrain the settlement of Kaskaskias which lies opposite. This cordon, or line, supported on the right by the fort of New Madrid, on its left by that of San Luis de Ilinoia, and in its centre by that of Saint Genevieve, would allow sufficient time for the militia,

<sup>1</sup>Walnut Hills, Vicksburg. This fort was begun in 1790 to resist the Yazoo Company.

<sup>2</sup>*Santa Genoveva.*

who are all soldiers, to come up by land to the points of attack, since the journey from New Madrid to San Luis is made on horseback in four days. The savage tribes the chavanones, abenakis, cheroquis and osages<sup>1</sup> would form a second line of defence of 1500 men at least, who would not allow any hostile party to pass. Finally, four galleys and some very light craft armed with cannon, would guard the front of the line and the passage of the river, with all the more superiority, as the enemy has no port whatever on the Misisipi in which to build boats of equal force.

The same four galleys would guard the mouth of the Ohio, through which the enemy, when the water is high, can come down in force with an expedition formed on the same river, which is distant only ten leagues from the fort of New Madrid; and its fires not being sufficient to prevent their passing, they could advance straight to the fort of Nogales, whose possession would open to them the whole of lower Louisiana as far as the capital, and would furnish them the means of undertaking the siege of the same.

The stationing of the galleys at New Madrid not only renders this project impossible, but lays the enemy open to a complete repulse on their entry into the Misisipi, on account of the superior artillery carried by these boats, and on account of the advantage they must expect in a combat engaged under the protection of the fire of the troops, militia, and savages from the western bank, without any danger to them.

Assuming, however, that the combat should be decided in favor of the enemies, the same galleys would find their retreat secured under the cannon of New Madrid, which the enemy would be forced to besiege, since if it was decided to descend to Nogales, leaving New Madrid behind, the galleys would go in pursuit and would be protected in the Exores à Margot<sup>2</sup> by the fires from both banks, *i. e.* those of the Chicachas, who could occupy the heights with more than a thousand warriors, while our Indians were pouring volleys of musketry from the opposite shore, so that they would certainly expose themselves to being completely routed.

This explanation shows the necessity of fortifying in the most serious fashion the fort of New Madrid,<sup>3</sup> as it must necessarily be the first object of attack on the part of the enemy. If garrisoned with a battalion, with suitable 12-pound artillery, thirty artillerymen, two hundred militiamen, and protected by some 1500 Indians who can harass the enemy during the siege by occupying the vicinity, molesting their men when they go in search of fagots, wood, etc., it can hold a long time against all the efforts of the enemy and consequently allow sufficient time for gathering the forces of upper Louisiana and attempting with their aid to raise the siege.

<sup>1</sup> Shawnees, Abenakis, Cherokees, Osages?

<sup>2</sup> Near Chickasaw Bluff, Memphis, Tenn. Compare Ford's *Jefferson's Writings*, VII. 335-336, for Jefferson's ignorance of location of "*Ecores amargas*."

<sup>3</sup> Established in 1789.

Exores       Assuming that the enemy succeed in their attack on  
2       New Madrid, if the galleys succeed in withdrawing,  
Margot.   favored by the current of the river, they can lie in wait for  
             them in the above-mentioned Exores à Margot situated  
             forty leagues below, which passage, dominated by heights  
             that are prolonged on the eastern bank of the river, for a  
             distance of twenty leagues, will be provided always that  
             the Chicachas be willing to defend it, ) exceeding difficult  
             to force since the currents carry the boats precisely toward  
             those heights.

Whoever can secure from the Chicacha tribe sufficient land for building a fort on the height situated between the Casas and Carondelet rivers, will undeniably be master of the navigation of the Misissipi from New Madrid to Nogales; and if the Americans are frustrated of the hope of making this establishment, long since planned by them, and of which they have even made a survey and will assuredly hesitate at no expense to gain the good-will of the tribe, it is certain that they will find no suitable place for forming a port on the whole east shore from the Ohio to Nogales, since it is all under water during the rise of the Misissipi. The Chicacha tribe, more jealous than any other of the possession of its lands, is aware of the importance of the Exores à Margot; but a good present, dexterously and opportunely offered, may surprise their consent, wherefore I am of the opinion that thirty thousand dollars would not be an excessive sum for the accomplishment of this purpose and for permanently depriving the Americans of the hope they entertain of having a port on the Misissipi.

A regular fort in the Exores à Margot admitting of a garrison of a hundred men, which would be provided by the battalion of New Madrid, might, in view of the distance, with all its dependencies, cost likewise thirty thousand dollars.

Fort of       After forcing the pass of Exores à Margot, the enemy  
Nogales.   will descend to Nogales<sup>1</sup>, situated five leagues below the  
             Yasu,<sup>2</sup> whose fires combined with those of the two other  
             galleys which will be stationed below the fort, will neces-  
             sarily detain them, because the currents, as at Exores, carry  
             the boats to the east bank, obliging them to pass at the foot  
             of the battery, a circumstance which will necessitate a siege  
             in order to pass.

This will last all the longer, since all the forces of the province will have had time to gather on the Yasu to defend its banks and the pass against the hostile army, which will have these forces before them and behind them, and

<sup>1</sup> Walnut Hills, Vicksburg.

<sup>2</sup> Yazoo.

on their left flank a swarm of Chactas and Chicachas Indians. The river Yasu, which protects, as I have said, the territory of Nogales, overflows its banks at high water to a considerable distance, and leaves on the retreat of the deluge a swampy land covered with trees and therefore of easy defence for an army. This post, therefore, demands all the attention of the government, and there should be built here a fort, covered with brick, which the advantages of its situation will make one of the strongest in America.

A battalion providing the detachments for Natchez, Akansas, Ouachita and the neighboring posts, would garrison that of Nogales with thirty artillerymen in time of peace, and in time of war its garrison would be increased in accordance with circumstances.

Plaza of  
Natchez.

Nogales passed, nothing can prevent the enemy from descending to the capital, since in that distance of 90 leagues, the most populous of the whole province, no forts are found except those of Natchez, Baton Rouge and Manchak on the eastern bank. The first, dominated from every side, will never be susceptible of a regular defence; for which reason I have at various times proposed to suspend its works which have as little solidity as the sands that compose them, and to transfer its governor, artillery and employees to Nogales, so that there shall only remain at Natchez, as in the time of the French, a commanding officer with thirty men, and a detachment of about fifteen dragoons, who will suffice for protecting that district from molestation by the Indians, and to maintain the inhabitants in due subordination to the Government, whose head, it is true, would be forty leagues distant, but these can be speedily traversed either by land or water.

Forts of  
Baton Rouge  
and  
Manchak.

The forts of Baton Rouge and Manchak are in ruins, nothing having been repaired but their dependencies since they were taken from the English. Baton Rouge offers the most attractive and advantageous position for commanding the river and delaying the enemy for a considerable time; placed precisely half-way between Nogales and the capital, that is at a distance of forty leagues from either, it can, in case of a disaster at Nogales, favor the retreat of the troops and galleys to the capital, and prevent the enemy, though masters of the western banks, from extending their incursions into the whole cultivated part of the province and opposing the succors of men and provisions which the capital may obtain there.

The fort of Manchak may be abandoned as useless.

No doubt the enemy, after taking Natchez and Nogales, can avoid Baton Rouge by directing their advance over

the road which goes down to the port of Galvez-town, and, by embarking on the lakes, can arrive, without any opposition, to within half a league of New Orleans, but the militia and the savages, who would beset them in the woods, would harass them greatly, while New Orleans, moreover, can not be taken without a train of heavy artillery, which cannot be transported through those regions without the greatest labor.

Fort of Galveztown. However, Galveztown being a point of transit much frequented, both by the Americans going to Georgia and Natchez, and by the savages going to the capital and elsewhere, and since, owing to the communication of the lakes through the rivers Iberville and Amit with the Misisipi, an enemy commanding the sea can avoid the defences raised at the entrance of the Misisipi, he can introduce himself into the heart of lower Louisiana, passing through the above-mentioned lakes in small boats, such as bilandors and galiots, and thence by way of the rivers to Manchak. From there, if the inhabitants should favor them, they could descend the Misisipi without the slightest opposition to the capital, becoming masters of the coasts, or if not, cutting off communication between Nogales and New Orleans by fortifying themselves in Baton Rouge. I consider it therefore of the supremest importance to rebuild the fort of Galvez-town, now in total ruin, its situation to be at the point formed by the confluence of the Amit and Iberville rivers; about twenty thousand dollars will suffice for its construction with its dependencies; and if made to hold a garrison of a hundred men in time of war, to be provided from the garrison of New Orleans, and a hundred and fifty militiamen from the district, it would suffice, supported by a number of Chactas Indians, to divert the enemy from the project of penetrating by the lakes into the province, or by the country of the Indians, should they succeed in separating them from Spain.

Fort of Akansas. There stills remains one passage to be cut off from the enemy, through which after forcing Exores à Margot, they might penetrate into that part of lower Louisiana, which lies on the western bank of the Misisipi, without passing Nogales: This is the river Akansas, navigable for keel-boats, through which the enemy can ascend to the village, situated twelve leagues from its junction with the Misisipi, and can go from there by a well-known and practicable road, to the settlements of Ouachita, Atak-apas, Opelouzas, Natchitoches, etc. which have no other defense than their militia and some Indian tribes; but, if a fort is built there, or a redoubt of mud and turf, in the same place as the



present one,<sup>1</sup> which consisting only of a staked enclosure with a garrison of thirty men, can only serve against the Indians, it is evident that a hundred men, to be provided in time of war from Nogales, united with as many more militiamen, all excellent hunters living in the settlement, and finally with some two hundred very valiant warriors of the Akansas tribe, could advantageously oppose an enemy attempting to mount the river, and could put in his way enough difficulties to deter him from undertaking a dangerous expedition through a level country, without artillery and threatened with lack of provisions and attacks from the cavalry of the militia of Natchitoches, Atak-apas, Akansas, etc. which would severely harass the enemy, provided the defense of the fort of Akansas allowed time to assemble and to oppose an advance into their interior of the country.

New  
Orleans.

Having vanquished all the obstacles mentioned, the enemy would advance against New Orleans, whose defences, consisting only of five earth redoubts, with a trench and a covered road furnished with a strong stockade, these redoubts being united with one another by the same stockade protected by a good glacis, at whose foot is a trench and an ante-glacis, with a redan in the middle of each curtain, do not offer the idea of a place capable of much resistance ; but experience will demonstrate the contrary, provided it is furnished with the proper artillery, 94 twelve and twenty-four pounders, and 3000 regular troops, including a squadron of dragoons.

Plan of  
defence.

This place being situated in the middle of a plain on the eastern bank of the Misisipi, on land that continuously declines from the river to the estuary, which runs almost parallel with the Misisipi, at half a league's distance from it, carrying its waters to the lakes which empty into the sea, its environs may very easily be inundated from February to August, without damage to the city, since the water only reaches the foot of the streets.

A succession of swampy woods, which the people of the country call the Cypriera,<sup>2</sup> run parallel with the Misisipi at a distance of three or four hundred fathoms from its edge, and form another insuperable obstacle to those not accustomed to it ; whence it results that the enemy can only advance to the attack by the Royal road which follows the bank of the river, and which being swept lengthwise by the artillery of the redoubt and crosswise by the fires of the second redoubt and of the redan, would be rendered almost

<sup>1</sup> Erected in 1789.

<sup>2</sup> *Cipriera*.

impracticable during high-water by cutting the dikes at intervals. To these obstacles to the conducting of attacks and establishing of batteries, is added the difficulty of excavating trenches in land from which the water oozes at two feet below the surface. The enemy being confined to a very narrow space, a highway as it were, in order to approach the fortifications, it is possible to keep up a superior fire, increasing the number of batteries with the greatest ease and rapidity in proportion as the enemy establish theirs, since merely by piercing loop-holes through the glacis or curtain, and making an esplanade, which can be done in a single night, the new battery will be ready to open fire the next morning on that of the enemy, as yet hardly begun. As it is probable that the enemy will attempt to establish batteries on the other bank of the Mississippi in order to attack the redoubts that defend it and to silence them by a diagonal fire, it would be necessary to raise in the same and in front of the center of the plaza a good redoubt, which crossing its fires over the river with the redoubts of San Carlos, San Luis, the battery of the park<sup>1</sup> and that of Los Naranjos,<sup>2</sup> will render impossible the passage of the river in front of the city, where it has a width of some 320 fathoms, as well as the construction of batteries which might greatly harass the city.

This redoubt being protected by those of San Luis and San Carlos which would cross their fires in front of it, and by a frigate, equipped with artillery of large caliber, which would anchor farther below, and being able to receive at any moment reinforcements brought by the galleys, the time consumed in attacking and taking it would greatly prolong the siege; and in case of disaster, if the entry were blown up with a little mine, it would remain open in the direction of the plaza.

It might also happen that the enemy would try to surprise the plaza during a dark night from the river, and it would therefore be advisable, in case of a siege, to shut it in front with a strong stormade, planted at least six feet from the dyke so that, flanked by the batteries of San Luis, San Carlos, the park and Los Naranjos, it would render a successful enterprise of this sort impossible.

In order to secure the plaza against a desperate attack which the enemy may make it advancing with several columns directed successively against the curtains while the redoubts would be diverted from their defense, by false attacks calling their fire to the front, I consider it indis-

<sup>1</sup> *E. Farqu.*

<sup>2</sup> The orange grove.

pensable to have a body of 150 or 200 cavalrymen, who in case the enemy should effect an entrance anywhere, would sally out from the streets and without giving them time to re-form, after the confusion in which they would necessarily find themselves after passing the fosse and the stockade, would fall upon them, sabre in hand, while the cross-fires of the two redoubts and of the redan would bar the way of those following, who would be obliged to repass the stockade.

The most unfavorable feature of the plaza of New Orleans is that the houses and roofs, being of very combustible wood, would easily take fire and communicate the flame with the greatest rapidity [to the store-houses filled] with munitions and supplies; wherefore it would be well that these should be isolated, built of brick and covered with tiles in the form of a roof-terrace, and also that the citizens should take down their roofs during the siege.

I have made no mention as yet of the difficulty the enemy would have in finding a suitable place for a camp. Being obliged to locate it a long distance from the plaza on account of the reach of the heavy artillery in the same, they can find no position more secure than between the Misisipi and the Cypriera, or line of swampy woods that bound the plain; but the militia and the hunters of the district, accustomed to hunt in the swamps, will harass day and night their flanks and their rear-guard, being sure of finding an impenetrable refuge in the Cypriera and of repulsing any body of soldiers that ventures to follow them into it.

For the same reason the enemy would be obliged to reduce their attacks to a single front, without being able to penetrate with artillery to the other side, which will greatly facilitate the defense.

It is true that from the 15th of June to the 15th of January, that is, during nearly the whole of the six months of the year when the waters of the Misisipi remain low, the vicinity of New Orleans cannot be inundated; but the excessive heat that prevails, with the frequent rain, the mosquitos, the flies, and a thousand other insufferable insects, the putrid fevers, tertian fevers, dysenteries, etc. are sufficient to destroy the most powerful army encamped in the plains during the months of July, August, September and October, and especially an American army quite unaccustomed to such a climate, which is usually mortal to those who come down to the capital by way of the Ohio during the hot season. Moreover, if the

lowness of the Misisipi does not allow the environs of the plaza to be inundated during those months, neither will it allow an army to descend from Upper to Lower Louisiana by the river, and it is by this route only that the cannon for bombarding New Orleans can be transported.

Assuming, however, that the plaza be taken by assault, or obliged to capitulate, it will not be difficult for the troops that garrison the redoubts, to withdraw to that of San Carlos, which for this very purpose has been made larger than the rest, and put in a position to stand another siege with great advantage, thanks to the double batteries that defend all its sides.

As it is probable that the enemy will wish to preserve the buildings of the plaza and lodge themselves therein, they will be informed that it will not be fired upon provided that the city remain neutral; but that if the least attack is made, or if the redoubt is troubled in any manner from that direction, it will all be reduced to ashes by the fire of the mortars and cannons.

There will be left in the redoubt only enough troops for its defence; the rest will camp in the ravelin which will be constructed, as soon as the plaza is threatened, almost parallel with the Misisipi; in its enclosure there will be a large structure of brick, suitable for keeping the provisions in during the siege, and a saw-mill under which the ovens and bakery can be set up without danger from the enemies' fire.

The canal on which the saw-mill is situated forms a deep van-fosse, wide and difficult to pass, its length being commanded by some pieces planted on the platform or terrace of the mill.

The ravelin, which is to serve as an entrenched camp for the troops, will be able to defend itself very advantageously with the artillery and gunnery of the redoubt, as also with the battery of the saw-mill which will command it perfectly. All the advantage of this situation will consist in the difficulty which the enemy will experience in advancing their trenches, planting their batteries and silencing the fires of the double batteries of the redoubt, which will cross the plain while scarcely offering any object for their aim, since the thirty and twenty-four pound artillery planted in the covered road, being mounted on carriages of a new design, will fire on barbe over the glacis almost without exposing itself, while the eighteen-pound guns on the wall placed before the intervals of the former will fire through the loop-holes whose *rodillera* is even with the crest of the wall.

The fires of the redoubt being silenced, surrender becomes inevitable, but in the meantime succor may come from Havana sufficient to force the enemy to retire, especially as he will be greatly reduced by the sickness, deaths and wounds resulting from a long and obstinate defence.

But before capitulating, if the precaution has been observed of maintaining during the siege some galleys in the canal of the saw-mill, it will not be impossible to embark silently and by night a large number of the best troops and gunners, and favored by a good wind and by the current, to reach the fort of Placaminas, on whose conservation will depend the entrance of reinforcements sufficient perhaps to retake Louisiana.

But if Placaminas is lost the recovery of Louisiana must be given up, if the people of the country declare themselves hostile.

This conviction has led me to employ for the defense of this important post, all the resources which the locality, the skill and the short time and the reduced means at my disposition have furnished me.

Forts of  
Placaminas.

Upon ground subject to inundation, swampy and covered with trees, and quite unknown until its environs were cleared, was raised a battery in the form of a bastion, one of the finest that exists perhaps in America: ten 18-pound pieces crown it and command the boats that come up the river against the current, first from stem to stern, then from the side, and finally from stern to stem. However favorable the wind, no frigate can avoid exposure to the fire of the fort for at least a quarter of an hour, and unless the east wind is blowing it will be absolutely forced to anchor under the cannon of Fort San Felipe.

As the river is 284 fathoms wide at this point, for fear the boats might pass very close to the land and attempt in this manner to escape in part the effects of the battery, I had constructed on the opposite bank an earth redoubt with stakes, which I named Fort Borbon, with the two-fold object of dismasting the boats that hug the shore by making them fall under the fort of San Felipe and of furnishing protection to the militia advancing farther below to harass the enemy in their manœuvres and preparations, under shelter of the forests and fallen trees that line the shore in this place.

Not desiring to expose artillery of large caliber in this redoubt, which, in case of a serious attack, would have to be left unprotected, it was furnished with five six-pounders which, commanding the prow of the boats that go up the river, ought, on their doubling a small point that hides

it, from within gunshot, to cut their sails and rigging at the first discharge of chain-shot or grape-shot, which will oblige them to drift or to gain the middle of the river, where, exposed to the fires of both forts, they will be unable to overcome the force of the current, particularly when the river is full.

As the channels have only thirteen or fourteen feet of water, there can enter into the Misisipi no frigate of a burden of more than 26 to 30 cannon, and the largest caliber of these can not exceed 12 pounds: consequently the battery of Fort San Felipe will always be much superior. Neither can the boats manœuvre with the same ease and dexterity as at sea: the current, which becomes more sensible in proportion to their distance from the shore, will not allow them to observe any order or to form in line, so that an expedition attempting to force the passage with the east wind, the only one that would admit of this undertaking, would consume much time and suffer much damage and confusion, if one of them were to get through, either because its rigging would be cut or a mast lost: but supposing it were to succeed in this, the galleys stationed in the Bayou or estuary of Mardi-gras, under the cannon of the fort, from whose small gate they can command the river without exposing themselves, would follow up the expedition with a cannonade, and, protected by the militia of both shores, who would fire upon those presenting themselves in the hostile boats, would disable them before their arrival at the English Turn, the precise point at which the expedition must anchor.

If the enemy, despairing of forcing the pass of Placaminas, attempt to land lower down and form their attack behind the fort, it will of course be impossible to oppose their landing: but as soon as they are within range of the cannon, the 24-pound guns of the galleys stationed in the estuary and some pieces of the left flank of the river-battery will sweep the whole plain so as to force the enemy to approach slowly and to put themselves under cover from fire in order to be able to cross the estuary much farther above the fort and to undertake a regular siege: which will be all the more difficult because water is met with within two feet, at most, of the surface of the earth.

The fort not being clothed behind, and its parapets not having as yet a thickness of over eight feet, it is evident that, as soon as the enemy succeed in planting their batteries behind it, it must capitulate, especially as all the artillery defending it on land consist only of six 4-pound

cannon, intended only to prevent a surprise or an assault ; but the circuit the enemy must take to pass the estuary, to secure their communications, to open the trench, to raise their batteries under the rasant fire of the galleys, will occupy them long enough to permit the arrival of help from the capital sufficient to cause them to renounce the enterprise, or at least to render the ascent of the river a matter of difficulty.

If they decide to make an assault in order to avoid all these delays, immediately after crossing the estuary, 300 men sheltered in the fort could make them repent their temerity, if they are able to make use in time of their artillery charged with grape-shot sustained by the gunnery, by the fires of the galleys that flank the attack, and that of the militia, ambushed farther above the fort in the swamp wood or Cypriera to which the enemy expose their left flank and their rear.

It may be that they will attempt to drive out the militia from the Cypriera; but not only will their flanks then be exposed to the artillery of the fort and of the galleys, but fifty militiamen from lower Louisiana will face them and will without difficulty get the better of four-hundred regular troops, since only the people of the country are able and know how to make their way through the swamps.

The fort of Placaminas can not be thus defended against an enemy that is already master of the capital and that attacks it from above: the Cypriera itself will facilitate the approach of batteries against the upper part of the fort, which will not be able to resist them long, on account of the weakness of its parapets. Therefore, considering the importance of the post, I am of the opinion that the walls of the parapets should be made as strong and thick as possible on the land side ; that it should be furnished with 12-pound artillery ; and, finally, that all its sides should be clothed with brick up to the cordon, a work that may cost about 20,000 dollars, but which will be of great durability and usefulness.

The enemy, once in possession of Placaminas, will be masters of all Louisiana, provided they have previously taken the capital and Galvez-town, since all possibility of succor will thus end.

Having described the means of defense that can be employed in Louisiana against a well directed expedition by way of the Ohio, or the north of the Misisipi, I will detail those that the city itself offers against an expedition from the Gulf of Mexico.

New Orleans, the capital of Louisiana, being the centre

Motives whence are distributed the forces, munitions, provisions  
for and all that is necessary for the defense of the posts, forts  
Fortifying and plazas, and being at the same time the centre of the  
New Orleans. provincial commerce, has the greatest influence on its de-  
fense : for which reason any hostile power will always  
direct its forces against this city : its situation on the Misi-  
sippi at half a league's distance from a branch navigable  
for schooners and cutters and by which it communicates  
with the lakes and from these with the sea : the facility  
which is afforded by the rivers or their arms on either side  
of the Mississippi to approach the plaza with smaller craft  
from every direction without passing through the mouths  
of the Mississippi, the boats resting at anchor in complete  
security either in the islands of Navio,<sup>1</sup> Candelaria and  
Breton or on the other side of the shores of the bay of  
Barataria — these were the weighty motives that rendered  
necessary the fortification of New Orleans as it actually is :  
that is to such extent as the scarcity of time and means  
permitted.

In fact the Mississippi was at the beginning of 1701 alike  
undefended above and below : the fort of New Madrid  
was then nothing more than a staked enclosure with its  
banquet garrisoned by 32 men with four four pound  
cannons.

The fort of Nogales did not yet exist, and Natchez  
amounted to nothing more than the old fort dominated  
from every side so that the English recovered it with a  
single cannon in 1781.

The forts of Baton Rouge and of Manchak were in the  
same ruinous condition as at present.

The city of New Orleans had not the least defense and  
could be reached from the mouths of the Mississippi with-  
out the slightest hindrance : so that in 1787 an English  
frigate appeared one morning before the city, without any  
notice of its approach being received and consequently  
without any permission having been asked to enter and go  
up the river.

Such was the condition of Louisiana when by royal  
order of Sept. 28, 1791 I received a commission to put it  
on a defensive footing ; circumstances not permitting any  
thing beyond the fortifying as well as possible of the prin-  
cipal points. Natchez and afterwards Nogales (above)  
were with increasing activity put in condition to offer some  
resistance soon after the battery of Placaminas was begun  
below, but as it was not to be expected that such indiffer-  
ent works could detain the enemy a sufficient length of time

<sup>1</sup> *I. e.*, Ship Island.



to receive powerful succors from Havana, it was necessary to seek means for putting the capital, which must needs be the principal object, in a condition to hold out for some time. Its circumference being 1280 fathoms width including the bank of the river, I built the five redoubts indicated on the plan of the city, uniting them by a covered road and a stockade. I placed on each curtain or front of the line, too long to be protected by the fusillade of the redoubts, a redan furnished with artillery which shortens and defends it, crossing its fires with the perpendicular ones of the curtain and the transverse ones of the flank of the next redoubt.

Knowing that in spite of the redans the enemy might direct their attacks against the curtains with all the more hope of penetrating into the city through them inasmuch as the troops, fearing to be cut off or attacked from the rear, would naturally defend feebly or perhaps abandon the redoubts immediately on seeing the stockade reached, I decided to fortify the front of the redoubts with the same care as the remaining sides: for the same reason I preferred the redoubts of the bastions; in fact it is to be hoped from these that, although the enemy succeed in penetrating the curtains in spite of their direct fires and the crossed ones of the redans and the redoubts, the troops of these, assured of incurring no risk of being forced in them, will direct their fires against those who may have reached the stockade, and will even make a sally to attack their flank while the cavalry would attack them in front.

Finally, finding myself supplied with numerous artillery and having reason to believe that that of the enemy would be much inferior in number and calibre, I was confident of deriving from this fact the most brilliant success and of obliging the enemy to abandon their enterprise.

No occasion offered itself of testing the effects of these combinations; but the province being menaced with an attack by the French by the Gulf of Mexico at the end of '93, their utility became apparent; all the artillery in the enclosure was mounted; the garrison, swelled by the militia from Natchez, was so distributed that the regular troops were to defend the redoubts, and the militia, supported by the cavalry recruited from the country, were to defend the curtains; there were assigned to the defense of the forts of Placaminas 400 men, to be reenforced by 300 more militiamen from the shores below; in the estuary or little port of San Felipe were stationed three galleys mounted with 24-pound cannon: forty fire-boats or incendiary rafts prepared to be directed against the enemy's

boats that might seek to force a passage ; and in order that I might have immediate notice of their arrival at Balize<sup>1</sup> there were placed signal cannons at intervals of two leagues between this place and the capital, *i. e.* in the thirty-two intervening leagues, precautions which the most complete success would doubtless have crowned.

Having already detailed the means of defense afforded by Placaminas, it will suffice to add : that if, contrary to all appearance, the fort should be obliged to surrender, the garrison will have to attempt a retreat by the Cypriera or marshy wood which extends to the capital itself, since having once entered their retreat cannot be cut off by the enemy.

It being probable, after the taking of Placaminas and its being provided with sufficient troops to prevent the entry of succors sent from Havana, that the enemy will reembark to go up the river ; the militia will have to await them at all the bends of the river, in which during the manœuvres made by the boats in order to pass them, the mariners who expose themselves may be shot down.

But as the expedition must inevitably pass what is called the English Turn<sup>2</sup> distant five leagues from the capital, in order to pass, while sounding the bottom, the half league almost entirely made up of windings of the river, that place also will have to be occupied, as it offers the most redoubtable position for awaiting and routing an enemy imprudent enough to engage himself in it without knowledge or precaution.

The narrow projection of land which on each side of the river runs between the lakes and the Misisipi, or between this and the sea, from its mouths, not having at the English Turn more than about 130 fathoms of width between the Misisipi and the Cypriera, which begins as I have said at Placaminas on the eastern side and almost at Balize on the other, an entrenchment may be formed supported on one side by the river and on the other by the marshy wood or Cypriera ; each flank will have to be covered by a good redoubt furnished with artillery which will cross its fires over the river with those on the opposite bank, but the redoubts of the Cypriera will have to advance a little farther forward by means of a bend or angle formed by the entrenchment in order to entirely flank the line : these redoubts would be sustained by two or three hundred militia ambushed in the Cypriera, who would harass the enemy from the rear during the attack of the line.

<sup>1</sup> *La Valiza.*

<sup>2</sup> *Torno del Ingles.*

Behind the entrenchment is a plain well adapted for cavalry, which will form at a distance of three or four hundred fathoms from its front edge, out of reach of the guns, in readiness to fall sabre in hand upon those who may penetrate the line.

Three hundred regular troops with two thousand militia of the province, that is of those who do not miss a man at two hundred paces, and two or three hundred cavalymen, can frustrate in that position the attempts of an army of 10,000 men.

In case of misfortune, the corps which has defended the lines will find a shelter sure and close at hand in the Cypriera, and will make its retreat protected by the cavalry in the plain, and by the militia in the former, which harassing the enemy's flanks by a lively and well directed fire without exposing themselves will oblige him to suspend the celerity of his march and make it easy for the troops to enter the plaza far in advance of his arrival.

The importance of this position had induced the French to fortify it with a line extending from the river to the Cypriera on each side supported by a powerful battery on each side which crossed its fires over the same, another battery being erected farther below and rasant in the place where the Misisipi is narrowest, for the purpose of incommoding the boats during disembarcation and of forcing them to effect this at a great distance from the lines: two companies garrisoned this point in time of peace and it was increased according to circumstances in time of war.

Of all these works and their constructions only useless vestiges remain, but should Louisiana be menaced by a large expedition which might necessitate the sending of three or four thousand men from Havana, it would be fitting to raise up with the same force the defences above mentioned, through which it may be expected that the enemy can be prevented from reaching New Orleans, and consequently from devastating the habitations and surroundings of the plaza.

The galleys anchored below the redoubts of the river bend, too high to be harassed by the fire of the hostile boats, will likewise keep up a formidable fire against them both before and after they are anchored but particularly during the landing of the troops destined for the attack of the lines which the situation of the redoubts will render inevitable.

If the plaza of New Orleans were accessible only by the river it is evident that the English Turn alone, well fortified and garrisoned with a sufficient number of troops,

Fortifications would suffice to protect it, but its situation in the midst of which may the waters, rivers, river-arms and lakes making it accessible either by these and the river San Juan or by Chef Menteur and the road of Gentilly, which lead to the Mississippi river a league below the plaza; or by the bay of Barataria and canal of Bouligny which opens a league above the plaza; or by the lakes and the rivers Amit and Iberville, emptying into the Mississippi four leagues below the fort of Baton-Rouge; by the lake of Barataria, la Fourche de Chetimachas; or finally by the upper part of the Mississippi;—it is necessary to add to it all the defenses of which its situation admits. As it is destined by its very situation to be the centre of an immense commerce between all nations, and the vast continent bathed by the rivers Mississippi, Missouri, San Francisco, Colorado, etc., it is fitting it should be surrounded with a wall regularly clothed with brick; that the same should be done with the redoubts which now defend it; that there should be added a ravelin in the middle of each curtain and that the whole should be protected by a moat<sup>1</sup> and a regular covered road; as the country abounds in turf it will suffice to clothe the wall as far as the cordon which will much diminish the expense.

But should circumstances not allow of the undertaking of such a work it will be fitting at least to clothe with brick the redoubt of San Carlos which, serving as citadel for the plaza, can, by means of the double batteries defending it, sustain with 800 or 1000 men a siege of a month, totally independent of the plaza, whose vast extent requires a garrison of 3000 men, not perhaps to be found when wanted, and especially in case of a war with France in which the greater part of the inhabitants can hardly be counted on at all.

This identical consideration induced me to reduce as much as possible the remaining redoubts and yet each of them requires 400 men for its defense.

In case H. M. resolve to clothe the redoubt of San Carlos with brick it will be advantageous to add two double counter guards, *i. e.* with flanks which cover the two rear angles and a ravelin on the front<sup>2</sup> of the same, as is shown in plan 1<sup>st</sup>; being low or rasant to the ground their cost will be a trifling matter but it would be necessary then to raise the wall of the redoubt three feet. With the half-clothing I have proposed the whole may amount to 70,000 dollars,<sup>3</sup> but the king would then have a very respectable citadel.

<sup>1</sup> *Foso.*

<sup>2</sup> *Garganta.*

<sup>3</sup> *Pesos.*

Plan of de-  
fence of New  
Orleans on  
the lower part  
of the  
Missisipi.

Supposing the enemy, having overcome all the obstacles opposed, succeed in arriving before the plaza, if the pass between the redoubt of San Juan and the Cypriera be well guarded, it will be necessary for their attacks to be directed against the strongest part of it, *i. e.* against the curtain of San Carlos whose plain will be crossed by the double fires of the same, of the redoubts of San Juan and of the redan of the curtain ; the passage of the canal which traverses the plain up to the river-arm being commanded by the saw-mill battery will likewise cost them time and trouble, but as regards the rest of the defence that part of the plaza will be equal to that already mentioned.

New Orleans and Placaminas once surrendered, the enemy will try to become master of the fort I have proposed to erect at Galves-town with the object of cutting off from those of Baton-Rouge, Natchez, and Nogales and others of the upper Missisipi all communication with the sea, rendering impossible all succors which might be introduced by the same as far as the most populous part of the province, it being patent that while the forts of Galves-town and Baton-Rouge are in the power of Spain, powerful succors might be sent from Havana by the lakes, which succors joining with the militia of the province in Baton-Rouge (I speak of the militia which, distant ten or twelve leagues above the capital, would not have to fear the vengeance of the enemy so greatly) and availing themselves of the heavy artillery of Nogales would make a descent on New Orleans and attack it with that advantage and security afforded by a perfect knowledge of the ground and secret understanding with the citizens.

New Orleans might likewise be recovered by a night surprise, by the gate called the gate of the Bayou of San Juan in the manner following, always assuming that the citizens could be counted upon.

Five or six frigates with 300 men each would issue from Havana with the greatest possible secrecy and anchor at the island of Navios with all security and secrecy, since no one frequents that part of the coast : the landing would be effected with barges<sup>1</sup> in the entirely deserted spot called Chef Menteur only seven leagues distant from the plaza and covered with trees ; all being landed with three days' provisions and without artillery would advance the first day within three leagues by a very good road extending from the farm<sup>2</sup> of Maxeut and where there are no dwellings nor people to disclose the expedition ; at night-fall

<sup>1</sup> *Lanchas.*

<sup>2</sup> *Vaqueria.*

next day it would march toward the city and arrive about eleven o'clock by the road of Gentilly, taking care to deviate from three or four houses along the same and to make a circuit to prevent any one from informing the enemy who, surprised by two columns attacking simultaneously the fort of San Carlos and the Gate of the Bayou, would doubtless lose the plaza before being able to form and repel so unexpected an attack.

This same ease with which New Orleans might be surprised obliged me to maintain a boat under command of a reliable officer between the entry of the lakes and the island of Navios with orders to reconnoitre these frequently and to land a man to inform me whenever he might discover boats in these places which, as I have reiterated, being equally distant from the mouths of the Misisipi and from the entry of the lakes are never frequented; the secret intelligence which the French maintained with the malcontents of Louisiana, facilitated the expedition which five frigates were able to undertake from Savannah or Charlestown with great promptitude and secrecy. Passing by the canal of Providence, which the English ship *Jupiter* of 50 cannons, several times passed during the former war, and then standing off from the coast of Havana they would have reached undiscovered the island of Navios.

A little fort or stronghold, which would cost some 2000 dollars<sup>1</sup> on a little height in the pass called Los Rigolets with a battery of four twelve-pounders on the height of Coquilles, would be sufficient to put the place under cover from all surprise in that direction as no vessel can enter the lakes without forcing that pass, very narrow and isolated and which would be commanded.

Another on the mainland or in the bay of Barataria would report all news from that region of the coast and guard the pass or canal opening into the Misisipi a league above New Orleans.

Balize. With the purpose of putting the approaches of Balize<sup>2</sup> or the principal entry of the Misisipi under cover from a surprise like that executed by Count O'Reilly, which facilitated for him the entry of the river, I erected a stronghold on the river arm where La Vigia is situated, defended by two cannons whose embrasures close like those of a ship: it serves as quarters and defense for the 24 men who sleep in it and can not be taken without artillery.

The accompanying plan of the new fort of La Confed-

<sup>1</sup> *Pesos.*

<sup>2</sup> *Valiza.*

eration which I have erected among the Choctaw nation to assure myself of them and of the whole country which is exceedingly fertile and much coveted by the Americans situated between the Misisipi and Yasu,<sup>1</sup> Chicacha<sup>2</sup> and Mobile rivers and the sea, demonstrates the force, solidity and advantage of the strongholds built of tree-trunks or logs 8" by 8" square, whose upper parts cross their fires and command all sides without its being possible to approach the bottom of the tower, it being defended by two salient angles of the first story from which the defenders throw hand-grenades, stones, boiling water, tar, etc.; its cost does not exceed 1000 or 1300 dollars and its duration may be estimated from twenty to thirty years, if the wood is cut in season; finally, thirty men with two four-pounders and four small pieces suffice for its defense not only against Indians, but against any troops not having artillery.

Having demonstrated the utility of the forts of Galvestown and Baton Rouge which I propose to rebuild either to prevent the introduction of the enemy into the very heart of the most essential part of Louisiana, or for the recovery thereof in case Placaminas and New Orleans be lost; it is necessary to consider what might further be attempted to defer the total loss of upper Louisiana, after those forts had surrendered or in case they should not be rebuilt in the event of an invasion of the province.

The post of Natchez being composed of men who have been impressed into service might furnish that of Nogales with some 500 men, good soldiers, if the fear of losing their own houses and possessions did not hold them back; but as for this reason it is not possible to count on them nor on the land-holders of the province, it will be necessary to recruit, with offers and promises of goodly recompense when the province again returns to Spanish domination, all those who have nothing to lose and who hope to advance their fortune by war, as well as the wandering persons<sup>3</sup> who abound in the American establishments of the West, and the savage tribes; but the capital once surrendered these can be but little depended upon, being accustomed to follow the victorious party when best in a position to continue to accord to them the gifts which are customary; however, with brandy and arms some bodies of Indians may also be recruited who will harass the enemy during the siege.

Nogales, being thus disposed, can only be taken by a

<sup>1</sup> Yazoo.

<sup>2</sup> Chickasaw.

<sup>3</sup> *Vagos*.

considerable expedition of the enemy, and while it is in the power of Spain it is not to be feared that upper Louisiana should surrender, since its commerce with the capital would be entirely cut off ; for the enemy to be able to send up 3000 men as will be necessary, with the artillery, provisions and munitions, they will have to have a number of boats almost impossible to get and will have to employ two months, more or less, for the voyage, consequently leaving the forces defending lower Louisiana much weakened, which would expose them to revolution of its inhabitants and militia if these retained an affection for a mild government furthering their interests on account of proximity to the Spanish possessions.

The hunters and savages, granting that some remain favorable to Spain, will embark on the banks of the Misisipi and fall suddenly upon the most advanced boats or on those separated from the main body, which will suffice to strike the sailors with terror and to detain considerably the expedition : in the meantime the sun, the rains, the inconveniences of a long and difficult navigation will cause sickness, losses of munitions and provisions, etc., so that the expedition would arrive weakened and disgusted to undertake a siege whose success will interest the troops so much less as the taking of the place will offer no personal advantage.

The same difficulties and many more will be offered by the taking of the Fort of New Madrid which, likewise cutting off the commerce between the capital and the establishments of Illinois and being capable of providing itself with everything necessary as well by them as by the settlements of the Ohio, should be maintained to the very last.

Thus has been demonstrated the importance of Nogales and New Madrid, either for protecting Louisiana against enterprises of the Americans, or for preserving upper Louisiana, even after the loss of lower Louisiana, or for facilitating the recovery of the latter.

San Luis  
de  
Illinoia

I have thus far deferred treating of the post of San Louis of Ilinoia,<sup>1</sup> the head of the other towns of that district ; wherefore I shall state that being situated on the western bank of the Misisipi, five leagues from the Misuri and five hundred from the capital, it is inhabited by various industrious merchants who correspond with those of the capital, and who would have an immense commerce of skins with the natives of the Misuri if they were favored with the freedom<sup>2</sup> of the capital and against the Canadian

<sup>1</sup> St. Louis.

<sup>2</sup> Libre.



English who usurp it, introducing themselves daily more and more upon the river mentioned and among the nations beside it.

A fort garrisoned by 50 men on the river of St. Peter, 120 leagues distant from San Luis itself, would entirely cut off the commerce of the English with the savage tribes of the western shores of the Misisipi and of the Misuri, a commerce so rich that despite the enormous distance of 500 leagues of desert which must be traversed, by their merchandise and by the furs they receive in return, the London companies so engaged do not gain less than one hundred per cent.

The two forts mentioned being erected, many settlers would hasten to the vicinity of them as well from our settlements as from Canada and the shores of the Ohio, who would in a few years change those regions into posts more populous than the present San Luis, and would serve to cover the part of Louisiana above the Misuri against the usurpations of the English and Americans.

The commerce and traffic of the Misuri will produce without burdening the royal treasury and without unusual efforts, immense wealth for Louisiana and will furnish the most solid of all in a considerable product derived from the agriculture, industry and consumption of a large population; these great advantages ask and await nothing more than the protection of the Government and above all free communication with New Orleans which must necessarily become one day the commercial centre of a vast continent in its trade with the other nations of the globe.

San Luis de Ilinoia being surrounded by savage tribes of great valor and of more industry than our own in lower Louisiana and being exposed to the insults of the Americans and the English, in case of rupture with them, and being at the same time the centre as it were of the commerce of upper Louisiana, it ought to be surrounded with a good stockade with banquet and glacis; the first being defended at the two angles facing the field of the parallelogram by two good redoubts clothed with stone, and in the centre by the little fort now existing; part of its inhabitants being men of arms would serve for its defense, wherefore I think that four companies detached from the battalion of New Madrid to San Luis (who would provide the detachments for the rivers of St. Peter and Moine)<sup>1</sup> would suffice to inspire respect for the dominion of Spain throughout upper Louisiana; and if H. M. should see fit that these should be

<sup>1</sup> Des Moines.

recruited from the strangers who might offer to serve five years in them on condition that we promise to continue rations to those married or who should marry devoting themselves to the cultivation of the soil, during five years more during which they should serve as militia, I am convinced that that battalion would be always complete, which would obviate great difficulties and the great expense involved in transporting troops by the river to such remote places.

Having detailed all that seemed proper regarding the defense of Louisiana, that of western Florida remains to be treated, but as the latter is intimately connected with Mobile and the posts on the Mobile river I shall begin therewith.

The Fort of Mobile, taken from the English in the last war, consists of a regular square with four bastions and a covered road furnished with a good stockade; in its midst dominates a second stockade, to make up for the moat only  $2\frac{1}{2}$  feet deep. The wall and parapets being clothed with bricks, there is no other defect than their slight thickness and the fact that the walls are exposed almost to the bottom to the hostile batteries, motives which hastened their conquest by the Spanish.

The first defect is easy to remedy; and as for the second, by raising the covered road some five feet, clothing the declivity with a good brick wall and elevating the glacis equally above the surface of the ground, Mobile would be a fine fortress, of good defense, and respectable considering the forces which can attack it in America.

Its situation on the Mobile river, which receiving the Alabama is prolonged under the name of Chicachá far beyond the Yasu and almost as far as the Tenesi,<sup>1</sup> renders the possession of Mobile much more important to Spain than that of Pensacola.

Should the states of the West become masters of the Mobile, they would at once open communication by the rivers Ohio, Tenesi, Chicachá and Mobile to the Gulf of Mexico: a short canal would unite the Tenesi and Chicachá rivers, another, much shorter still, would open communication between the Chicachá, Yasu, and Misisipi rivers and between the Chicachá itself and the river Perla, which flows into two lakes back of New Orleans and consequently into the Gulf of Mexico.

These great advantages have excited the avarice of the Americans who have printed their projects as shown in the work entitled *Notes<sup>2</sup> of the Company of South Carolina on*

<sup>1</sup> Tennessee.

<sup>2</sup> *Apuntes*. Probably *An Extract from the proceedings of the South Carolina Yazoo Company*, Charleston, 1791.

*the Yasu*, which I sent to his Excellency the Count of Floridablanca in official secret document No. 9 of Feb. 29, 1792; and with the same intention were formed the Companies of Virginia and of the North; but the same induced me to keep them from those countries, by soliciting and obtaining from the Chactá nation the territory of Nogales on the Chicachá river, where I have built the fort whose plan accompanies, No. 2. By its situation on the river and by means of the fort of Tombecbé, constructed four years ago, seventy leagues below on its bank, the King remains master of all the vast and fertile territory enclosed by the rivers Misisipi, Yasu, Chicachá and Mobile, with the Gulf of Mexico: within this oblong are the lakes and river Perla; and as there is no savage people therein who can molest the settlers it is greatly to be hoped that this beautiful country will be populated as soon as the freedom of trade shall call to Louisiana emigration directed by enthusiasm and prejudices toward the United States of America.

Fort of Tombecbé. The fort of Tombecbé hastily built by my predecessor is in a ruinous state; its extent is too great for the small garrison of thirty men which it needs: I have ordered built at once a stronghold on the species of bend on the river, and I consider that with 5000 dollars it may be put into good condition. At a short distance from this is a little village which provides Mobile with corn and which may be very useful to the (fort) of La Confederacion, so named in order to perpetuate between the nations of Chactás, Chicachás, Criks, and Cheroquies the memory of the treaty of friendship and reciprocal guaranty between them and Spain, concluded at Nogales on May 14, 1792.

Fort of La Confederacion. The establishment of La Confederacion has cost much trouble and difficulty, since the savage nations, extremely jealous of their lands, fear the proximity and ambition of the Europeans: it was necessary to persuade the Chactás that the establishment, located in their midst, had no other object than that of protecting them against the Americans; to supply a meeting-place equally fitted for the reunion of the deputies or chiefs of the four nations in those cases necessitated by their affairs, the assembling of a Congress in which the Commissary of H. M. is present; finally to keep therein the supplies of corn and provisions that they may need in times of scarcity. The nation in fact hastens thither but with moderation and is already well satisfied with this vicinage. The King will during some years pay the expense of a supply of provisions that may be estimated at some 2000 dollars at most; but will

be sure of a post coveted by the Americans and which they could have purchased from the same before ourselves ; and that warlike nation of not less than 14,000 men will be always well affected toward Spain who will help them in need.

Fort of  
Pensacola.      Of Pensacola I ought to say nothing since its works, determined on by the Corte, are already begun ; I was present there and did not alter my persuasion that the English had been guilty of a capital error in leaving the point of the island of Santa Rosa undefended. A good redoubt with its trench, covered road, and glacis, the trench and covered road being defended by a strong stockade furnished with 12-pounders and situated where I had a covered<sup>1</sup> battery raised at the beginning of the war, would have forced us to open the trench which would require much time, both for the landing of necessities, artillery and munitions as well as for making the fascines and other preparations, during which time the enemies could hope that the squadron and transports would be obliged to leave the coast exposed or perhaps to break through, the squadron being naturally very brave ; the two masked frigates at the sides of the redoubt defended by the fort on the other side and by the same redoubt would have crossed fires over the front which they would have reciprocally defended ; and they would not have been obliged by six shots of two 24-pounders placed on barbe at night on the shore of the island of Santa Rosa to expose the entry in order to go to the end of the bay and thenceforth remain useless for the defence of the place ; this redoubt taken we found ourselves in the same necessity as before of forcing the entry and stopping below the fort of Barrancas as we did ; instead of which if, after the entry of our transports into the bay, our general had resolved without wavering to place his camp where it ultimately was during the siege and to batter at once the fort of San Yorge, far distant from the city, with hot shot<sup>2</sup> and small bombs, the latter and Pensacola would have surrendered the same day, the city having no other defence than a stockade.

The desire to take the fort of San Yorge uninjured certainly did not repay the time, expense and risks which its surrender cost.

I therefore repeat that Pensacola, as it can not on account of its situation serve Spain otherwise than as a depository or storehouse for the Indian commerce, and as a shelter for the war-vessels that cruise on the sound,

<sup>1</sup> *Cerrada.*

<sup>2</sup> *Bala roja.*

and at the entry of the canal of Bahama, does not deserve the same attention as Mobile, which would be the key of the navigation of the American settlements and states of the West if it fell into their power.

Two little fortifications at the entrance of the bay, built of stone or brick, the former "cordon" of the city, of posts and stakes, being reestablished and a fort raised on the eminence overlooking the city, would amply suffice both to shelter the latter from aggressions of the Indians or wandering Americans, as well as to render impossible the entry of the bay for any sea-expedition. In fact, if Spain then have enough force in Havana to succor Pensacola, the siege and taking of the fortifications at its entry will give these the time necessary for arriving: if on the contrary there be not enough force in Havana to arrest those of the enemy, it will import little that the siege last two weeks more or less, and the enemy, not finding a place of great force to establish themselves firmly, they will be exposed, after the expedition has withdrawn, to being ejected by another coming from New Orleans by the lakes to Mobile; and from this city, which is only twelve leagues from Pensacola, against the fortification of Las Barrancas Coloradas, the troops crossing overland and the artillery, munitions and provisions being transported in smaller boats from coast to coast supported by some galleys or cannon-boats as far as a league or half league of distance from those mentioned, where all will unite with the army.

If on the contrary much time and money are employed in fortifying Las Barrancas Coloradas and if a principal fortress is made therein there will neither be sufficient men to defend it nor will it perhaps be completed when needed against the enemies of the crown; and however this may be, the city will have to be unprotected, the King losing more than 60,000 dollars worth of edifices existing in it, and the citizens their houses and moles to transfer themselves into the neighborhood of the fortress; considering that in the site where it now is it receives no protection from the fort of San Bernardo, and that its enclosure having fallen it would be exposed to the pillage and insults of the Indians, if the garrison quartered there should not hold them in check.

The defenses of Pensacola being disposed in the manner described, the battalion that garrisons it can provide 50 men for San Marcos de Apalache, sixty for Mobile, 50 for La Confederacion, 30 for Tombecbe and 10 for Tinzas, 50 in the stronghold of San Jorge, 40 in the fortification of Santa Rosa, and remain with more than 300 for the garrison of Barrancas.

San Marcos      The fort of San Marcos de Apalache is necessary for de Apalache. the defence of the entry of the rivers Apalachicola and Flint, by which the Americans would attempt to navigate the Gulf, if they should realize their plan of ejecting the Crik nation from their lands on these rivers ; it serves also to cut off the commerce which the English try to keep up with the Criks below and with the Semanolés ; and finally to provide the latter with the merchandise they require.

The so-called smaller posts, five in number, having no other object than protecting the inhabitants of the districts from the savages, need only an enclosure of stakes with its banquet, four four-pounders and four small pieces.

The presence of the accompanying map, and of the plan of each place and fort which I have sent to your Excellency with document No. 442 will give the most precise idea of all I have exposed and which your Excellency orders me to explain ; but to avoid confusion, I join an extract No. 3, which reveals compendiously the condition of the places, forts and posts of the provinces of Louisiana and western Florida, their importance, defects and the additions needed to put them in the state of defence required by circumstances ; and finally the resumé of all the expenses indispensable for putting Louisiana and western Florida on a defensive footing, with another comprising those which without being so urgent would greatly contribute to their force and security against the Indian nations.

I can not but insist anew on the addition of a fourth battalion to this fixed regiment without which these provinces can not be considered as being in the state of security required by provinces having Americans and Indians on their frontiers ; table No. 6 shows its use and necessity as it must be considered that during the months of July, August, September and October the seventh part of the troops are rendered useless by sickness in New Orleans, Placaminas, Mobile, Natchez, Nogales, Arkansas, New Madrid and San Marcos de Apalache ; but particularly in the capital, where the sixth part of the garrison is in the Hospital, so that the 800 men who are there at present are not sufficient for the daily service of the plaza although reduced to 165 men as appears from No. 6 in which appears a daily diminution of 131 men compared with the entire force.

God our Lord guard your Excellency many years.

Baron de Carondelet      N. O. Nov. 24, 1794.

Rubric

Ex. Señor Duke de Alcudia.

## REVIEWS OF BOOKS

*Studies in Ancient History.* The Second Series, comprising an Inquiry into the Origin of Exogamy. By the late JOHN FERGUSON M'LENNAN. Edited by his widow and Arthur Platt. (New York : Macmillan and Co. 1896. Pp. xv, 605.)

THE work of M'Lennan on "Primitive Marriage" was issued in 1865, and the first series of "Studies in Ancient History" in 1876. The latter were republished in 1886, and under the title given above the remainder of his studies appears for the first time. They are fragmentary, and in many parts so incomplete that the editors were obliged to write them up from the notes and material collected by the lamented author.

It was his intention to prepare a voluminous and thorough study of early society, of which these essays, principally concerned with the primitive modes of marriage, were but a small portion. That such a work would have been of high value is evident from the method laid down by the author in the early chapters of the present volume. These express in a mode as clear as can anywhere be found the worth of the study of savage conditions to the comprehension of history as a whole.

"The facts," he observes, "gleaned from observation of the ruder races are at once the material from which the earlier chapters of general history must be compiled, and an essential requisite in rendering intelligible many events recorded in written history, that is, they are of primary importance to history throughout" (p. 19). This opinion he supports by examples and illustrations of the most convincing kind in a chapter on the "method of inquiry in early history."

Other chapters of an introductory nature are on "the mode of handling evidence," and on "the definition of terms." In the former, he refers with severity to many of the authorities on which we are obliged to depend for our knowledge of savage life ; to the systematic falsification of that life by missionaries and church publications, for ecclesiastical purposes ; he even refused to quote any of the recent missionary reports, having found them "absolutely untrustworthy" (p. 36). He treats with proper severity the disappointing work of Schoolcraft on the American Indians, and what he calls the "incredible" blunder of Lewis H. Morgan in mistaking the system of modes of salutation among primitive peoples for one of consanguinity and affinity (p. 41).

The main question to which he addresses himself is the origin of exogamy ; and the conclusion to which he arrives may be briefly stated. In the primitive group, marriage (*i. e.*, permanent pairing) was at first unknown. Then followed rude family groups through the attachment of children to mothers, which led to the rise and consolidation of the

system of kinship through women only. The practice of capturing women for wives arose from a "want of balance between the sexes," and this gave occasion to the adoption of a "ceremonial law of exogamy" (p. 57). The religious regard for the totemic bond, and blood-feud, or the religious obligation for vengeance, grew out of these basic social relations. Female infanticide was developed in order to adjust the society to its surroundings, especially to its means of support. It "embodied a policy of despair" (p. 83).

In the development and defence of these opinions, the larger part of the volume is taken up with an examination of the customs of savage nations throughout the world. The Pacific Islands and Australia, America and Africa are considered in that order, and a mass of materials, generally carefully scrutinized, is brought forward.

It is obvious, however, that the author, with all his sagacity, was not infrequently misled by his authorities; and the length of time which has now elapsed since he made his studies deprives them of a great deal of value. This is especially evident in the African and American fields. There is doubt that marriage by capture prevailed in any native American community. The instances given on page 365 are not truly such. They are simply slave-catching and rape. Again, it is quite unjustifiable, on the ground of a solar myth, to assert that the Navajos once traced kinship in the female line though it is unknown to them at present (p. 360). That reminds us of Mr. Lewis H. Morgan's convenient custom of saying that his pet system of consanguinity had "dropped out," in tribes where he could not find it existing.

At the conclusion of the volume are two essays, which were printed during the author's life. One of these is on "the worship of animals and plants," in which the thesis is defended that totemism was the foundation of the mythologies of most ancient and savage nations; and the other, by Donald M'Lennan, is a description of the Kamilaroi and Kurnai tribes of Australia.

The volume has no index, and an insufficient table of contents. This is the more to be regretted on account of its fragmentary condition. In other respects its make-up is satisfactory, and it contains many thoughtful expressions and suggestive reflections on primitive society.

D. G. BRINTON.

*The Cities and Bishoprics of Phrygia*, being an Essay of the Local History of Phrygia from the earliest times to the Turkish Conquest. By W. M. RAMSAY, D.C.L., LL.D., Professor of Humanity, Aberdeen. Vol. I. The Lycos Valley and Southwestern Phrygia. (Oxford: Clarendon Press. New York: The Macmillan Company. 1895. Pp. xxii, 352.)

DR. RAMSAY has seen more of Phrygia than any other enlightened man and he must be reckoned an expert upon all Phrygian questions.



For the past sixteen years he has bent all his energies to the study of the country and to the solution of the many difficult problems connected with its history, its geography, its art, its language. During all this time the author tells us, what we know to be literally true, that Phrygia has been his last thought as he fell asleep and his first on waking. "Rarely has a space of five hours elapsed by day or by night in which some point of Phrygian antiquities or topography has not been occupying my mind." Beginning with 1880 he has spent eleven successive summers in the interior of Asia Minor, chiefly in Phrygia, hunting for "traces of the past in the facts of the present, in the faces, manners, pronunciation, tales and superstitions of the people, as well as in the monuments of older days." There is hardly a village, a mosque, a cemetery or a village fountain throughout the length and breadth of the land which he has not visited in order to collect all remaining inscriptions and to wrest from them the story which each might have to tell about the history, the manners and customs of the country. By piecing together the *disiecta membra* thus found and by putting under contribution all other sources of knowledge about Phrygia, Dr. Ramsay has been able to present to the world a wholly new and immensely important study of the local history of Phrygia. Much was expected of him in this long-promised work, all the more because his *Historical Geography of Asia Minor* was written too hastily and exasperated many scholars, especially in Germany. In this present work Dr. Ramsay has worked more leisurely and under less adverse circumstances, it would seem, for it does not bear those marks of premature publication which so conspicuously marred his *Historical Geography*, though it fairly bristled with new facts.

The present volume is a distinct, we may almost say a marvelous contribution to the history of Phrygia's past, and that, too, along many different lines. It contains nine chapters: (1) The Lycos Valley; (2) Laodiceia: the Græco-Roman City; (3) Hierapolis: the Holy City; (4) Cities of the Middle Mæander Valley; (5) The Phrygian Cities of the Lower Mæander Valley and the Carian and Lydian Frontiers; (6) Colossai and the Roads to the East; (7) Lounda, Peltai, Attanassos; (8) Valley of the Kazanes and Indos; (9) Phrygian Cities on the Pisidian Frontier.

The above table does not give an adequate idea of the astonishing richness and variety of the historical investigations to which we are treated by the tireless scholar. It would occupy too much space to give the table of contents in full, but it may not be out of place to give the contents of one chapter by way of illustration. We select Chapter IV., "Cities of the Middle Mæander Valley: Situation and Scenery; Mossyna, Thiunta, Dionysopolis; the Hyrgalean Plain; the Pergamenian Foundation; Anastasiopolis, and the Hyrgalean Union; Phoba; Hieron of Mother Leto and Apollo Lairbenos; the Holy Village of Atys; Lairbenos; the Native Anatolian Social System, (a) Enfranchisement by Dedication, (b) Exemplaria, (c) Hieroi, (d) Ceremonial Purity, (e) Deisidaimonia, (f) the God as Sender and Healer of Disease, (g) Sacred Animals; Motella; Villages; Appendices: (a) Inscriptions, (b) Bishops."

The reader soon discovers, as indeed the author admits, that the topics are not discussed in systematic order, but as occasion offers, that is, as the author journeys from one city to the other. For instance Cybele and Men are discussed in almost every chapter, but the author has contented himself with giving us new facts about those deities as he met them, and his purpose has not been to tell all that one might like to know about them. And yet precisely because Dr. Ramsay breaks new ground we should have been glad to read a connected account of all that might be said on topics so fascinating.

It really fills one with wonder, as one reads the volume, to see what a proud structure the author can build upon the testimony of an inscription, a coin, or some literary tradition. As an instance of this may be cited the astonishing reconstruction of the family tree of the Zenonid family in Chapter II., or the establishment of the relationship of the owners of the Milyadic estate in Chapter IX. The glimpses of life and the scenes which he makes to pass before the eyes of the reader are many and varied, just as are the subjects of which he treats. It is always the locality which furnishes the framework for this series of pictures, and as the material he uses for the delineation of his pictures is new in the main, so are the pictures themselves, that is, the conclusions he draws from his material. His constant aim is "to throw some light on the question how Phrygia has come to present the aspect that it now shows to the traveller;" he has no prepossessions for or against any view, but has simply gone where the evidence led him.

Just here we may remark that Dr. Ramsay is apt to deal with fact too absolutely, as the Germans are continually throwing up to him; his pages are apt to be dry except for the specialist, and his English is not always as clear as it might be. It has sometimes happened that we have been puzzled to know the precise meaning of a sentence.

The German critics of Dr. Ramsay's books find fault with him also because he does not use or refer to his predecessors as much as they would like, and because, in many cases, he does not give his reasons or his authority for his conclusions. The first allegation is partly true, for Dr. Ramsay makes but scant use of the older travellers, and in the main he is justified in so doing because the more sober among them, as for instance Hamilton, present for the most part merely personal reminiscences of most excellent gentlemen, while such effusions as Van Lennep's are puerile. And yet it can not be denied that something might be gleaned from all of them. As for the younger generation of travellers, Dr. Ramsay utilizes their work constantly, but it must be confessed, most frequently in dissent, and that is apt to gall. But Dr. Ramsay is an independent worker; he has searched for and he presents new facts; his conclusions have been reached after much patient thought extending over years, and he states them simply as facts, whereas a few lines of plain explication would often save him time, labor and vexation in the long run. In each of his successive volumes he has had to defend himself on this score repeatedly; for instance, in the matter of the Sullan era in Phrygia and Eastern Lydia



(p. 201 ff.). In each of his volumes he attempts to forestall criticism on this point by saying that life is too short to go into details, or words to that effect, and in the introduction to the present volume he writes: "We cannot spend all our life in writing about Phrygia; and I have been studious to waste as little time as possible, and to put what has to be said as briefly as is consistent with clearness—sometimes, perhaps, too briefly for clearness. Most of the following chapters might be expanded each to a volume, if every point was argued out from all sides; but many arguments have been omitted in the desire to say no more than was necessary." We can accept this view of the author's mission only in part. And yet the views to which Dr. Ramsay thus gives expression have ever been a chief corner-stone in the edifices which he has erected and to them are due the chief blemishes of his books. We submit that, when a man writes a special work on any subject, he has no time for anything else whatever, and that he should, above all things, make every point abundantly clear; and that the author of a special work on Phrygia, or any other subject, should, if necessary, spend *all his life* in arguing out the points in detail from all sides. It is quite true, however, that by Dr. Ramsay's methods the world becomes acquainted with his new facts much sooner than would otherwise be the case, and for this the thanks of all scholars are due to him. But however severely some Germans may criticize Dr. Ramsay and his methods, none can deny the unrivalled glory of his many-sided work, his energy, his patient, pertinacious research in the field and in the library, though he had ever to contend with adverse circumstances and with an ever-present "thorn in the flesh" which often made life in the saddle burdensome, if not agonizing. But he has risen superior to it all and has accomplished a vast work, one for which his splendid intellect, the judicial cast of his mind, his keen powers of discrimination and combination, his boldness and courage have fitted him in an especial manner. In all that relates to the antiquities of Asia Minor he is *facile princeps*; he is the master to whom all must go for information, and it is not too much to say that his work in Asia Minor will not be relegated to the limbo of forgetfulness for some generations to come.

J. R. S. STERRETT.

*A History of Rome to the Death of Cæsar.* By W. W. How and H. D. LEIGH. (London, New York and Bombay: Longmans, Green and Co. 1896. Pp. viii, 575.)

THIS is a valuable book and ought to be warmly welcomed. The subject is no new one, but the authors of the volume before us approach it with an unusually high conception of their task and with unusual equipment for its execution. While not neglecting the more important achievements of the Roman arms and the triumphs of Roman foreign policy, Messrs. How and Leigh have addressed themselves with special fulness to the internal history of Rome, to a consideration of the moving forces in its affairs, and above all to the development and de-

cay of the republican constitution. In this part of their work they have naturally been guided largely by Mommsen, to whose researches ample acknowledgment of obligation is made in the preface. But the authors are disciples of Mommsen in much more than the mere acceptance and utilization of his results; they are saturated with Mommsen's spirit. Like him they recognize fully the capital importance of individual leaders, men like Fabius, the elder Africanus, Cato, Sulla, Cæsar, whose characters and determining influence are admirably summarized. Witness this concerning Cato (p. 303): "this political gladiator and typical Roman, this hard-hitting, sharp-witted, keenly commercial, upright, vulgar Philistine."

All references to art and literature are designedly omitted from the book. Few will condemn this procedure in treating the history of a people among whom literature was essentially an exotic, never, with the rarest exceptions, a manifestation of the national life.

The volume displays throughout a firm grasp of the subject matter, wise perspective and clear arrangement, while the exposition is always interesting and at times is invested with a positive literary charm. One leaves the concluding chapter with regret and wishes that the authors had continued their account well into the imperial period. It is to be hoped that they may yet see their way to rendering this much-needed service.

The work is illustrated by excellent maps, plans and numerous cuts of archæological and historical interest. An index and two appendices, on the assemblies and the chief Roman roads, conclude the volume.

CHAS. E. BENNETT.

*Europe in the Middle Age.* By OLIVER J. THATCHER, Ph.D., and FERDINAND SCHWILL, Ph.D. (New York: Charles Scribner's Sons. 1896. Pp. xii, 681.)

THIS volume, the result of the authors' experience in teaching general European history in the University of Chicago, is designed as a text-book for the use of freshman and sophomore classes. The period covered extends from A. D. 500 to 1500, and the whole of Europe, together with the Mohammedan countries, is included in the survey, although the space devoted to England and the lesser nationalities is relatively small. Dynastic and territorial matters claim the greater share of attention, but not to the exclusion of the history of institutions and civilization. The chapters, which vary in length somewhat arbitrarily from four to one hundred pages, are not always well articulated and are quite uneven in style and manner of treatment. Sometimes, as in the account of Italy during the fourteenth and fifteenth centuries, we find a skillful presentation of a complex subject, but too often the narrative offers little more than a succession of names and dates. The number of errors is considerable. Some of these—like the phrase "Roman Kelts" (p. 97), the mention of Poitou and Poitiers on page 156, and the confusion of the branches of the trivium and quadrivium (p. 589)—are no doubt due to



inattentive proof-reading; in other instances, as in the matter of the palisade at Hastings, the relation of the Roman and the Christian basilica, and the dates of the Merovingian kings, recent research has not been sufficiently regarded; but in far too many cases the fault is due to loose and careless habits of statement. Conformity to good usage in the spelling of proper names is highly desirable in a text-book, and while the influence of the archaistic revival still delays the adoption of a uniform English practice in these matters, one has at least the right to object to forms like "Kaerthen" (p. 125), "Nijmegen" (p. 151), and "Staufer" (p. 315), and to condemn "Friesians" (pp. 54, 101, etc.), "Clugny" (p. 329), "St. Bernhard" (p. 595) and "Raffaelle" (p. 653, followed two pages further on by "Titian") as quite without excuse. The same may be said of the use of "fodrum" (p. 222), "baillie" (p. 498), and "house-wealth" (p. 554).

As a guide to further study, the volume is notably deficient. "We have taken it for granted," the authors say, "that the teachers who may use the book are acquainted with the best literature on the period and will be able to direct the reading of their classes. The student for whom we are writing would be confused rather than helped by long lists of books, unless each book were accompanied by a discriminating estimate of its character and value;" and they content themselves with a reference to Adams's *Manual* and the lists in *Methods of Teaching and Studying History*, and an enumeration of a dozen general works "for the benefit of those who have no access to the above mentioned authors." It is hardly necessary to point out that those who are thus cut off are not likely to have within reach the forty-five volumes of Schroeck's *Geschichte der christlichen Kirche* mentioned among the general works; the objections to this method of procedure lie deeper. What ground does experience furnish for assuming that the teachers who may use this book are acquainted with the best books of reference? And is it not one of the first duties of a manual of this sort to provide students with discriminating estimates of books? We appreciate the authors' objections to the mere piling of reference upon reference in history-teaching, but surely the remedy lies in judicious selection and not in the entire refusal of assistance. More attention should also have been given to the matter of sources; the scattered citations are quite inadequate, and the absolute dependence of the historian upon original materials is not clearly brought out.

A thorough-going revision would do much to remedy the defects here pointed out; in its present form *Europe in the Middle Age* does not meet all the demands which may properly be made of an elementary text-book.

CHARLES H. HASKINS.

*Die Schlacht von Hastings.* By WILHELM SPATZ, Phil. D. (Berlin: Ebering. 1896. Pp. 69.)

THE reason avowed by Dr. Spatz for his publication of this treatise is the controversy that has raged about the battle of Hastings, since 1892,

in England. Whether his conclusions be accepted or not, students of history will at least welcome the appearance on the scene of a foreign writer, who approaches the subject with a fresh eye and from an absolutely impartial and independent standpoint. The fact that he has received, apparently, some assistance from Prof. Delbrück increases the interest of his views.

There is, it seems, a widespread impression that the whole dispute about the battle of Hastings (for Dr. Spatz agrees with me that we should so term it) is so involved and difficult that no one can hope to understand or arrive at any definite conclusion. It is, on the contrary, a simple matter, although it has been darkened by the importation of personal controversy and side-issues. Again, wonder has often been expressed that the details even of so famous an encounter should arouse such heated feeling. The simple explanation is that the dispute originated in an article not on the battle, but on "Professor Freeman,"<sup>1</sup> in which his authority and accuracy as an historian were openly impugned. In the reply to that article—"Professor Freeman and the Quarterly Review"<sup>2</sup>—Mr. Archer seized upon the battle of Hastings as a really vital point. I give my case in his own words:<sup>3</sup>

"On this occasion Mr. Freeman has not merely erred in detail; he is wrong, completely wrong in his whole conception of the battle . . . Such a contention, it will at once be perceived, is very different from any mere criticism of detail; it affects the centre and very heart of Mr. Freeman's work. If he could blunder here, in the most carefully elaborated passage of his whole history, he could blunder anywhere; his reputation for accuracy would be gone almost beyond hope of retrieving it."

The issue being thus clearly raised, it was no mere "palisade," or other feature of the battle, but Mr. Freeman's authority and accuracy as an historian that, according to his champion, were at stake. It is obviously not for me to say whether I have proved my case, but I would, at least, insist that I have dropped no part of it, and have, indeed, extended it since these words were written.<sup>4</sup>

Now, as for Dr. Spatz, I may tersely state the result of his investigations as follows: On the well-known points on which I differ from Mr. Freeman's narrative of the battle, he agrees with me absolutely and unreservedly. But he goes a good deal further than I do in rejecting portions of that narrative which I accept or do not dispute. Lastly, on the strategy of the little campaign, as apart from the tactics of the battle (with which alone I have dealt), he differs emphatically from Mr. Freeman. It will be best, therefore, to take these points separately. As to the first, he pronounces me undoubtedly right on what Mr. Archer deemed my two chief charges,<sup>5</sup> namely the existence of a palisade and the

<sup>1</sup> *Quarterly Review*, July, 1892.

<sup>2</sup> *Contemporary Review*, March, 1893, (Vol. LXIII).

<sup>3</sup> *Ibid.*, pp. 335-6.

<sup>4</sup> See *Quarterly Review*, July, 1893.

<sup>5</sup> "He [Mr. Freeman] is wrong above all things else in his disposition of the English troops. There were no palisades at Hastings," (*Cont. Rev.*, p. 335).



disposition of the English troops,<sup>1</sup> the latter being not only unauthorized, but opposed to analogy and probability. And these conclusions involve of necessity the collapse of Mr. Freeman's narrative. Moreover, he dismisses, as I do, the critical abandonment of its post by the English right as mere imagination (p. 57). It has, indeed, been publicly asserted that Dr. Spatz, while "rejecting the palisade interpretation" of the well-known passage in Wace by Mr. Freeman, "equally rejects Mr. Round's interpretation" that it refers to a shield-wall.<sup>2</sup> I am compelled to explain that this statement is doubly and directly contrary to fact. Dr. Spatz does not even discuss the interpretation of the passage, for the excellent reason that Wace's details are, as he insists, "historisch wertlos" (pp. 18-20). Moreover—and this is the essential point—it was Mr. Freeman himself, in his second and final edition, who, in the only place where he quotes or cites this passage, emphatically asserts that it describes "the array of the shield-wall" (III. 763-4). I agree with Dr. Spatz in his estimate of Wace; but if my opponents, as they do, take their stand upon his words, the "shield-wall" interpretation of them is, it will be seen, Mr. Freeman's own. To this, no answer is, or ever has been possible.

Turning to the new criticisms in this treatise, we find them practically based on the strange but dominant idea that both hosts were armed mobs who could only fight as individuals (*Einzelkämpfer*). It is on this ground that Dr. Spatz denies that the English were capable of forming the shield-wall or the Normans of executing the feigned flight. On the former I am, as I expressed it, "in complete agreement with Mr. Freeman;"<sup>3</sup> on the latter, Dr. Spatz is alone in questioning an episode described by William of Poitiers, his own leading authority. It is very significant that his strange notion makes him unable to suggest an intelligible formation for the English, among whom, he holds, the housecarls were but few in number. No one pretends that either host could execute elaborate tactical movements; but nothing could be simpler or more primitive than the movements assigned to the Norman knights or the stationary formation of the English.

The brief space at my disposal does not allow of my expressing any opinion on Dr. Spatz's view that the battle took place where it did by accident, the foresight claimed by Mr. Freeman for Harold being here treated with ridicule. Dr. Spatz, I gather, was unacquainted with the summary of my case in *Feudal England*, which might, on some points, have modified his views.

J. H. ROUND.

<sup>1</sup> "So muss die ganze Erzählung Freeman's über die englischen Befestigungen verworfen werden . . . Die Verteilung ist eine auf keinerlei Quellenangabe gestützte Vermutung Freemans," (p. 44).

<sup>2</sup> See Dean Stephen's letter in the *Athenæum*, December 19, 1896.

<sup>3</sup> *Feudal England*, pp. 354-5.

*Ireland, 1494-1868*, with two introductory chapters. By WILLIAM O'CONNOR MORRIS. (Cambridge: University Press, 1896. Pp. ix, 372.)

THIS volume in Professor Prothero's Cambridge Historical Series very forcibly illustrates the reaction of a subject upon an author. Irish history prior to the era of the Tudors is in the highest degree confused and obscure: so are the earlier chapters of Judge Morris's book. During the two centuries of Tudor and Stuart rule the general current of historical development in Ireland may be discerned by the application of minute research and profound reflection; nothing less is demanded from the reader by the corresponding chapters of the volume before us. After 1690 the history of the island becomes clear and distinct, with salient features that readily catch the eye and give a clue to the whole subject; the author's style in the later chapters develops similar qualities and his narrative becomes intelligible and not unattractive.

The limitations upon the writer in respect to space are clearly responsible for the unsatisfactory character of the book. A complete stock of information and an impartial spirit do not necessarily qualify a man to write a good short history. So far as they go these qualities are manifested in the present work; but they are not supplemented by that happy faculty which enables an author simultaneously to tell a story and to make it luminous with philosophy. There is in this book too much of that particularly irritating practice in which a fact or an incident which cannot be adequately explained for lack of space is dragged in and dropped out by a mere allusion. The author displays his knowledge and confounds the argus-eyed critic; but the average reader is left helpless and indignant. To any one who has not considerable acquaintance with the facts of Irish history, the first third or half of the present volume will be difficult reading.

From the reign of James I. on—that is, from the time when the ostensible source of Ireland's perennial woes is found not in race hatred, but in religious animosity and in the struggle for ownership of the soil, Judge Morris's narrative runs with relative smoothness and lucidity. The confiscations and plantations of the seventeenth century are set forth in a markedly unprejudiced spirit; the penal code of the eighteenth receives adequate exposition and proper condemnation; and the brilliant episode of "Grattan's Parliament" is treated with historical justice. Throughout his discussion of the eighteenth century Judge Morris largely follows, with due acknowledgment, the great work of Lecky. He differs from the latter, however, in one much-mooted point. Lecky believes that in the Irish Parliament some votes for the Act of Union in 1800 were paid for by the government in cash; Judge Morris declares that "direct bribery was not employed." When it is universally conceded that votes were gained by the bestowal of peerages, of pensions and of sinecure offices, it would seem as if the point in issue were of slight importance. But Irish politics can never be judged by canons elsewhere applicable. Apologists for the Union have proved with true Hibernian logic that the



gaining of votes by the bestowal of peerages, pensions and places involved no element of corruption or bribery ; hence, if there was no immediate payment of cash, the Pitt ministry achieved the Union with clean hands. It is to meet this contention that the Irish Nationalists have sought, and according to Mr. Lecky have found, satisfactory evidence of direct payments from the secret service funds.

Judge Morris's efforts to be absolutely impartial in assigning praise and blame for the policy and methods of Pitt's government at the time of the Union, are obvious and are fairly successful. But he cannot escape a final relapse into the canting phrase that seems inevitable in discussing British relations with the Irish. Important support was given by the Catholics of Ireland to the cause of the Union on an official assurance by the government that relief from their political disabilities would follow. This pledge was not fulfilled. Thus, the author observes, "by one of those accidents so frequent in Irish history, Catholic Ireland was again deceived ; what was done had only too much in common with Strafford's 'Graces' and the broken treaty of Limerick." Why acts of deliberate perfidy and deceit should, when perpetrated by the British government, be so commonly described as "accidents" when no such euphemism is ever employed to designate similar acts of the Irish, is one of the problems that confronts every student of Irish history.

In his concluding survey of the period from the Union to 1868 the author is in the main more satisfactory than could be expected. He is evidently an ingrained adversary of all that has in recent years expressed itself in the Parnell movement. Yet he does fair justice to O'Connell, both for his character and his purposes. Judge Morris in this respect recalls the position of Lecky, who finds for Irish agitators of the past and their various demands an abundance of rational justification, but sees in the aims of contemporary leaders and movements only viciousness and anarchy.

WM. A. DUNNING.

*The Year after the Armada and other Historical Studies.* By MARTIN A. S. HUME, F.R.Hist.S. (New York and London : The Macmillan Co. 1896. Pp. viii, 388.)

A most valuable secondary result, a sort of "by-product," of the editing of the English state papers and national records has been the training of a group of investigators with a scientific method of historical study. The enforced restriction to authoritative texts, the rigorous use of a given chronological arrangement, a modicum of textual criticism, and some ingenious search for documentary illustration of obscure points not only furnish historical sources in a form invaluable to students, but have a most important reflex influence on the editor himself. Of students and writers trained in such work England has now a considerable number, Major Hume being an instance, but in the past it has not been so. One can therefore hardly avoid the belief that there is a close connection be-

tween the lateness with which the English government took up this work, as compared with some of the Continental countries, and the inferiority of English historical production, judged according to modern standards. If Froude or Macaulay, for instance, had served an apprenticeship to his science by editing some volumes of the Rolls Series or of the *Calendars of State Papers*, in addition to his apprenticeship to his art, the world might possibly have lost some picturesque and dramatic writing, but it would certainly have gained some more accurate and judicious information about the periods with which those writers have been principally concerned. The union of high literary skill with a judicial attitude of mind and scientific methods of study in any very exhaustive historical work is an interesting phenomenon which has hardly occurred in English writing for some generations and will be all the more welcome when it shall appear.

Major Hume's book is an instance of some of the results of the training to which we have referred. It consists of nine essays on matters connected with the history of England and Spain during the sixteenth century. The first and longest of these is an account of a little-known or little-considered expedition sent by England against Spain in support of a certain pretender to the Portuguese crown, in the summer of 1589. Historically the most valuable result of this study is the measure it gives us of the limitations of English military and naval possibilities at that period. Notwithstanding the glamour of English success in the narrow seas and in rapid forays into Spanish ports in the old world and the new, it was only within those narrow limits that she had any chance of success. The vacillation and the parsimony of the home government, the lack of funds, of men, and of great military talents would have doomed to certain failure any more ambitious plans of warfare or of invasion. But a secondary interest of the essay, and one which is typical of the whole series, is the entire devotion of the author to his sources, and the new group of these which he has laid under contribution. In addition to some familiar English records he has used the official reports of the Spanish ministers to their home government and two recently discovered contemporary manuscript accounts from the Spanish and Portuguese sides. A whole mine of information and of explanation is thus laid open, and the same kind of sources is drawn upon in all of the subsequent essays. The second of these follows the career of a typical soldier of fortune of those days, Julian Romero. We find him fighting against the Moors in Tunis, in Flanders against the French, in the service of the English king against the Scots and the rioters of Kett's rebellion, again in the Netherlands against the French and later against the Emperor's own rebels, and still later in the wars in Italy. All through Alva's terrible administration and those of his two successors, from the arrest of Egmont to the destruction of Antwerp, he was in the foremost of the cruel struggle against the Netherlanders. But little of this narrative could have been constructed had it not been for the various series of *Calendars of State Papers*, English and foreign, and for the Spanish *Documentos Inéditos*. In the third



essay, which is occupied with the history of the sojourn of Philip II. in England as husband of its unfortunate queen, the points of especial prominence and originality are the continued and general unpopularity of Philip's Spanish attendants, their restiveness under the restraints and humiliations of their position, and the gradual development of Philip's conviction that the English marriage alliance would be of no political value to him. That part of the plan which consisted in the king's obtaining an influence over his wife succeeded admirably, but Philip and his advisers discovered that in England even the Tudor absolutism was hampered at every turn by the power of the ministers and of the nobles and even by the privileges of the mass of the people. The author's conception of Philip's character and the description of his manners as brought out in this and other essays is quite different from that which has been generally received. His conduct toward Mary is described as grave, courteous and dignified. He is characterized as "a laborious, narrow-minded, morbidly conscientious man, patient, distrustful and timid, a sincere lover of peace and a hater of all sorts of innovations. He was born to a position for which he was unfitted and was forced by circumstances stronger than himself to embark upon gigantic warlike enterprises which he disliked and deplored."

Whether this is a correct estimate of Philip's character or not, the atmosphere into which we are brought by Major Hume's writing is a normal uncolored one, in which fair judgments are practicable and natural. Moreover it is a clear atmosphere in which objects and people stand out with remarkable vividness. The men and women whom we meet in the essay, "A Palace in the Strand," are very real indeed, and, familiar as their names may be, they are given a new life to the reader, even if this life is somewhat shabby beneath its gorgeous exterior; if the maiden queen does make questionable jokes and obtain the diamonds of her guests by equally questionable means; if Cecil does cheat Raleigh out of his frontage on the street, and most of the other ministers take bribes from both parties.

The book is a handsome one in binding, in paper and printing, and in its portraits, some of which one is tempted to cut out and frame. It is all the more a matter of regret that there are some prevailing defects. The Tudor rose, which occurs so frequently as an ornament, is deprived of its significance as an emblem of the two houses of York and Lancaster by having three circles of petals instead of two. In two cases the coat of arms has the motto "*Dieu est mon droit*," and there is an occasional misspelled word. But if any general criticism of the book is to be made, it is upon the comparative unimportance of the subjects with which it deals. They are all, it is true, genuine historical matters, and they are undoubtedly explained more completely and clearly than they have been before. And yet there arises a sense of disappointment. One cannot but feel that so much apparatus and preparation should produce something more than mere corrections of existing views or elucidation of existing obscurities in what are after all minor points of

history. It cannot be that there is not more serious work for historical investigation and judgment than the mere filling out of the old personal narrative. In other words, we feel that the author does nothing toward the solution of the historical problems in which our age interests itself especially. It is said that each generation must rewrite history in the light of its own ideas of what is important and interesting. But mere personal narrative represents the ideals of a past generation rather than of our own. Perhaps this judgment is sufficiently deprecated in the author's preface, but it is none the less true for that.

E. P. CHEYNEY.

*History of the German Struggle for Liberty.* By POULTNEY BIGELOW, B. A. (New York: Harper and Brothers. 1896. Two vols., pp. xiv, 250; vi, 263.) }

MR. POULTNEY BIGELOW'S *History of the German Struggle for Liberty* is hardly a history in the ordinary sense of the word. From a book presuming upon that name, we have a right to expect information which Mr. Bigelow does not give. It is not extravagant to demand a comprehensive view of the dominant government, a picture of the evolution of its organs, an analysis of the personal contributions to current political struggles; in short, we may rightly insist that the state be regarded as a main theme of the argument to which we are invited to give hearing. Mr. Bigelow does not agree with the general opinion in this matter. I need only refer to a few examples to illustrate his neglect of the highly important political aspects of his chosen period. In the first volume he freely condemns the governmental system in vogue in Prussia before 1806. This is the notorious *Cabinets-regierung*. Have we not a right to demand that the indignation, in which we are invited to share, be fed through our intelligence by the aid of a careful exposition of this mischievous system? Again, we read concerning the reforms of Stein (I. 169): "The revolution which Stein accomplished has no parallel in history." If this is true so unique a movement deserves more than two pages, agape, moreover, with omissions. Such staring *lacunae* as these must needs detract from our opinion of the severity of Mr. Bigelow's studies. }

If Mr. Bigelow's view of his task is not so comprehensive as might be desired, it must be granted, nevertheless, that his book commands our interest at the start and holds it to the end. The author has reconstructed his period with much vivacity. Once let it be understood that he is not writing for the historical professor, but for the general public rather, with its human and literary interest in the broad movements of national life, and there is easy and pleasant sailing under his pilotage. In more than one respect Mr. Bigelow's method recalls Carlyle. Mr. Bigelow, like Carlyle, scouts the painstaking elaboration of organic matter, and offers instead a rapid succession of dissolving views of men and of events. His book moves like a series of more or less connected scenes upon a stage. Many of them must be regarded as vivid }



and variegated. That they, nevertheless, fall far short of Carlyle's measure of force and clarity, goes without saying. Carlyle's keen imagination does not become the property of every writer who chooses to assume his tone. But in spite of the seizing power, which can not, in general, be denied Bigelow's pictures, they are likely to cloy somewhat a delicate taste, by reason of the absence from the author's art of a certain technical refinement. Mr. Bigelow does not carry a camel's-hair brush in his artist's kit. Perhaps it summarizes his style fairly to say, that even his best chapters do not get beyond the state of the rough draught or the cartoon.

The history deals with the momentous matter included between the years 1806 and 1814. The collapse at Jena is its introduction, the triumphal entry into Paris its epilogue. Our narrative leaves no doubt that it was a fossilized, and, therefore, foredoomed government which was interred by Napoleon through the agency of his great victory. Prussia was an absolute monarchy and, since the holder of it was unfit for his place, the monarchy had to go under. The whole despicability of the unworthy Hohenzollern, Frederick William III., who lent his ear frequently to only two councillors, dullness and his twin-brother, timidity, is set in sardonic relief. Then comes the reconstruction of Prussia on a new and popular basis. The monarchy took the revolutionary and unheard-of step which the patriots urged unceasingly, and sought salvation out of ruin by an appeal to the people. The eighteenth-century despotism was thus converted into a really national kinship. The transformation, beyond doubt, saved Prussia and its royal house. As one of the most remarkable features of the age of reforms stands forth the attitude of Frederick William. He remains throughout the immovable tory, and if his throne was founded anew after Jena it was not through his efforts, but in spite of them. It is here that Mr. Bigelow is at his best. His narrative takes on a warmer glow, and he follows with sympathy and with vivacity the struggles of the patriots, of Stein, of Gneisenau, of Scharnhorst, of Blücher, of Hardenberg, which resulted in the renewal of the Prussian national life, and through it of the life of the state. The genius which floats over the country in its hour of darkness, shedding light and courage, is Queen Louise. Perhaps Mr. Bigelow makes too much of the dramatic possibility which lies in this queen's name, but we must, in any case, be thankful to him for offering us the frequent views he presents of so thoroughly lovely and refreshing a princess. The excerpts from her diary (I.209 seq.) which could well bear publication in full, fasten on the mind the image of a rare Christian tenderness and humility.

Our final word must be one of very qualified acceptance. To make even a good popular book, a revision seems indispensable. Small errors of fact, over and under-statements, are annoyingly frequent. It would be, above all, well to reconsider the basic principle of the work, the treatment by episodes. The single chapters are carried backward and forward in time almost at will, with the result that they cut across each

other continually, to the detriment of the rules of logic and æsthetics. I also venture to put forth the iconoclastic suggestion that the illustrations be removed. Even if they were good, the taste which incorporated them in a serious work might be impugned, but as they are quite indifferent, there is absolutely no excuse for them, and in their total they do not weigh as much as three or four excellent reproductions of original portraits.

FERDINAND SCHWILL.

*A Cycle of Cathay, or China South and North, with Personal Reminiscences.* By W. A. P. MARTIN, D.D., LL.D. (New York, Chicago, Toronto: The Fleming H. Revell Company. 1896. Pp. 464.)

DR. MARTIN, until recently President of the Tung wen College at Peking, is so well known to all foreigners who have within the last thirty years visited the capital of China, his intimate knowledge of Chinese is so universally acknowledged, and his long acquaintance with most of the statesmen, who have risen to prominence in connection with foreign affairs since the opening of Peking to the western world in 1860, has been such an unique privilege, that his reminiscences of the cycle he has passed in Cathay, contained in the present volume, could not fail to prove of considerable interest.

The first part of this book is taken up with the Doctor's missionary experiences in southern China extending from 1850 to 1858 and is, I fear, of but little interest to the reader of the present day, who has become thoroughly familiar with the experiences of that class of foreigners in China. It is noteworthy that the Protestant missionary in the fifties was, as his successor of the present day still is, much given to losing the guileless young neophytes in the abstruse mazes of Christian theology. Thus Dr. Martin tells us (p. 69) of some of his, probably illiterate, catechists being examined for admission to a church on "the mystery of the hypostatic union of persons in the Trinity"—which in this special case was the more to be deplored as the teacher himself appears to have professed heterodox views on this unfathomable mystery.

The second part of the work is devoted to the Doctor's life in Peking, from 1860 to 1893, during which he was President of the Government College and semi-official legal adviser of the Foreign Office, and contains much of interest on the progress of western studies in China and on the notabilities of the capital. The pages devoted to Sir Robert Hart, the Inspector-General of Maritime Customs, to Prince Kung, to Li Hung-chang and the Marquis Tseng are peculiarly interesting and give, I think, an impartial and fairly correct appreciation of the character and services of these eminent men. It is but just to note, however, that the Doctor is not always impartial in his estimation of men. His criticisms (p. 184) of Mr. W. B. Reed, our first minister to China, on whose staff he served as assistant interpreter, during the negotiation of the treaty



of 1858, are peculiarly harsh, and the writer's asperity is apparently due only to the fact that the minister claimed for himself the honor of the insertion in the treaty of the so-called "toleration clause," which the author thinks belonged to himself and to Dr. S. Wells Williams, the legation interpreter, though he lessens the importance of this clause on another page by stating that it had been inserted in previous treaties and that the Chinese government had therefore already committed itself to the principle it denounced.

A number of chapters of this book are more or less borrowed from or implied by the Doctor's previous works, especially his "Hanlin papers;" in fact, this book, itself a compilation of short papers published in various periodicals, may be considered the principal authority of the writer for many of his most interesting statements, as for example on the Jews of Kai-feng Fu, Chinese education, philosophy and Confucian ethics.

*The Jesuit Relations and Allied Documents.* Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791. The Original French, Latin and Italian Texts, with English Translations and Notes. Edited by REUBEN GOLD THWAITES, Secretary of the State Historical Society of Wisconsin. Vols. I. III., Acadia, 1610-1616. (Cleveland: The Burrows Brothers Company. 1896, 1897. Pp. xiii, 319, 310, 301.)

The edition of the *Relations des Jésuites* published by the province of Quebec in 1858 has now become somewhat scarce. Its three stout octavo volumes contain only the letters inserted in the Cramoisy series (Paris) from 1632 till 1672, with two or three additional ones. It is a fair reproduction of the original text, but without annotation. The O'Callaghan edition, subsequent to the Quebec one, is far superior to it, yet not complete.

The Thwaites edition, now being published, will mark an epoch in the historical literature of North America because of the abundance and value of the documents reproduced and the vast erudition utilized by the editorial staff, the taste displayed by the printer and the careful arrangement. The original French, Latin and Italian texts in which the various letters, narratives, descriptions, etc., were written are given with English translations and notes, making the collection a full record of small as well as great facts connected with the history of the early explorations of Acadia, Canada and all the northern groups of the United States. Mr. Thwaites will cover one hundred and eighty years with his sixty volumes of this rare and valuable literature: rare because it is next to an impossibility to gather all the scattered fragments into one hand, and valuable if you calculate either their high market price or the treasure of knowledge they add to our studies. Mr. Thwaites properly observes that "The story of New France is also, in part, the story of much of New England, and of the states whose shores are washed by the Great Lakes

and the Mississippi River. It may truly be said that the history of every one of our northern tier of commonwealths, from Maine to Minnesota, has its roots in the French régime. It is not true, as Bancroft avers, that the Jesuit was ever the pioneer of New France; we now know that in this land, as elsewhere in all ages, the trader nearly always preceded the priest. But the trader was not a letter-writer or a diarist; hence we owe our intimate knowledge of New France, particularly in the seventeenth century, chiefly to the wandering missionaries of the Society of Jesus."

It is only right to mention in this place the editorial staff, as their names are vouchers for the correctness and the ability which makes the present series a commanding edition above all previous ones:—translator from the French, John Cutler Covert; assistant translator from the French, Mary Sifton Pepper; translators from the Latin, William Frederick Giese and John Dorsey Wolcott; translator from the Italian, Mary Sifton Pepper; assistant editor, Emma Helen Blair. As for Mr. Thwaites, under whose direction this enormous investigation is accomplished, it is needless to discourse upon his extensive labors in this particular field or to commend his control of the innumerable facts embodied in such a work.

The first volume contains eight letters and five illustrative documents relative to the years 1610–1613 in Acadia. Marc Lescarbot opens the list with his pamphlet on *The Conversion of the Savages*. This clever man and capital observer resided in Acadia during the years 1606–1607 and published several other works relative to the country. His erudition seems to have been extensive and sound. He deals at the outset with the probable origin of the beliefs found amongst the Indians of America in regard to the Creation and such generalities. But his main aim is to facilitate the spreading of Christianity throughout the newly discovered regions of the West. He reproves the Europeans for their lack of zeal. This brings on an examination of the doings of the explorers, and he gradually concentrates his views upon Acadia, where De Monts and Poutrincourt had recently tried their hands at starting a colony with but slight success. These pages are replete with curious information. The author shows how friendly the Indians were to the new-comers and exhibits their manner of life, not omitting an account of the influence of the great Sagamore Membertou and his family, all of them with several others "enrolled in the family of God by the cleansing water of holy baptism"—for Lescarbot was a strong believer in the conversion of all who did not refuse to be christened.

The second document in the first volume is "A Letter Missive in regard to the Conversion and Baptism of the Grand Sagamore of New France," written in Acadia (1610) by one Bertrand, a Huguenot layman, who describes the conversion of Membertou and his fellow savages, and speaks with enthusiasm of the new country.

Just as this short letter of Bertrand and the book of Lescarbot were in the hands of the printer in Paris (1610) two Jesuit fathers received instructions to embark for Acadia. The Frenchmen of Port Royal and other localities in the colony were already divided between themselves;



the addition of the Jesuit element was not calculated to smooth the situation. In fact the trouble began even before Fathers Pierre Biard and Ennemond Massé left France for their new destination.

Biard was a talented man. The three letters written by him in 1611 are the first productions of the Jesuit literature inserted in the volume now before us. There is also a letter from Father Massé of the same year. Biard, like Lescarbot, must be read line by line because the texture of his phrases holds so fast that every expression is a link in the chain. I will, nevertheless, try to give an idea of his style by quoting a few passages of his second letter dated from "Port Royal, New France, or Canada," June 11, 1611. During the winter the people at Port Royal thought wise to cut down their rations, "but such economy was of little avail, since Sieur de Poutrincourt did not lessen his liberality towards the Savages, fearing to alienate them from the Christian faith. He is truly a liberal and magnanimous gentleman, refusing all recompense for the good he does them; so when they are occasionally asked why they do not give him something in return for so many favors they are accustomed to answer cunningly: *Endries ninan metaij Sagamo*, that is to say: Monsieur does not care for our beaver skins. Nevertheless, they have now and then sent him some pieces of elk-meat. . . . But they [the French] had a good chance to economize when the winter came, for their mill froze up, and they had no way of making flour. Happily for them they found a store of peas and beans, which proved to be their manna and ambrosia for seven weeks. Then April came, but not the ship; now it was just as well that the mill was frozen up, for they had nothing to put in the hopper. What were they to do? Hunger is a bad complaint. Some began to fish, others to dig. From their fishing they obtained some smelts and herrings; from their digging some very good roots, called *chiqueli*, which were very abundant in certain places. . . . The whole foundation of Christianity here consists, after God, in this little settlement of a family [Membertou's] of about twenty persons. Messire Jessé Flesche, commonly called the Patriarch, has had charge of it; and, in the year that he has lived here, has baptized about one hundred savages. The trouble is that he has not been able to instruct them as he would have wished, because he did not know the language, and had nothing with which to support them; for he who would minister to their souls must at the same time resolve to nourish their bodies. This worthy man has shown great friendliness toward us, and thanked God for our coming."

The history of Acadia in 1610-1613 is merely that of an attempt to catechise the aborigines; every individual concerned in the management of the colony seems to have adopted this scheme as the main policy to pursue—Poutrincourt, Lescarbot, Bertrand, the Marchioness de Guercheville, the missionaries Fléché, Biard, Massé, Quentin, Du Thet.

On the background of the same scene were the traders Pontgravé, Latour, Bertrand and others, occupied in cajolery with Membertou and his people in order to procure beaver skins. Of course, these merchants kept an active rivalry between themselves, and Membertou reaped the

benefit. As to actual settlers and tillers of the soil it is hardly possible to find more than a meagre commencement of such a colony. The men hired by De Monts and Poutrincourt, recruited in the towns and cities of France, were unfit to make a living in Acadia by their own industry. They could neither plough the land nor kill the game in the forest nor fish. Their existence depended upon the provisions brought from Rouen.

At the end of the volume we have several papers dealing with the state of affairs of early Acadia, by Father Jouvençy, a historian of the Society of Jesus who wrote (in Latin) one hundred years later—a précis of the expedition of Samuel Argall, in 1613.

Volume II. contains three letters from Pierre Biard and one narrative by Lescarbot, all concerning Acadia in 1612-1614. Biard has decidedly improved in his knowledge since the year 1611; a few months of residence at Port Royal and two or three journeys into the wilderness opened a large field to his keen faculties of perception; he is now conversant with the situation from the River Penobscot to Cape Breton and from Gaspé to the Bay of Fundy. No one before him, even Champlain, obtained so wide a view of the country. The climate, the nature of the soil, the forests, the physical characteristics of the various regions, are fully and clearly described by him. The circumstances attending the opening of the religious missions in that new land are set forth in impressive language. The visits to savage tribes by Father Massé and himself, with details of conversions and baptisms, also a statement of the conditions and prospects of spiritual work among the aborigines, present facts of high interest because they apply not only to the Indians of the East, but in their main features to all the nations afterward discovered in other directions. He reviews with fairness the previous missionary enterprise of Fléché and the rival establishment at Mt. Desert. Then follows an account of the destruction of both establishments (1613) by Argall, and of the fate of the Jesuit prisoners in Virginia and England. The last letter of Biard, written during the winter of 1613-1614, is a remarkable document, bearing in its first part on the whole of New France as known by the explorers at that date, its geography, its climate, its people and their customs.

The style of Father Biard is lively and his quaint old forms of speech very attractive. In his Latin this is hardly perceptible, but his French is that of Montaigne. When he tells us of a trip he made to a trading post on the St. Croix and St. John rivers, this first initiation to the life of the *coureurs de bois* makes things whirl in his head and he is at a loss to understand the merriment of these folk: "During the day, nothing but friendliness. But (alas!) when evening came, I know not how, everything was turned topsy-turvy; confusion, discord, rage, uproar reigned between our people and those of St. Malo. I do not doubt that a cursed band of furious and sanguinary spirits were hovering about all this night, expecting every hour and moment a horrible massacre of the few Christians who were there. . . . The next day, this nocturnal storm



ended in a beautiful and delightful calm, the dark shadows and spectres giving way to a luminous peace."

Next follows Lescarbot's Last Relation of what took place in the Voyage made by Sieur de Poutrincourt. The author praises Poutrincourt for his exertions in Canada in behalf of both religion and civilization, and urges that he should be aided in his colonial enterprise as a necessary basis for religious work in this portion of the New World. The life at Port Royal is pictured in some detail; its labors and privations are dwelt upon. He does not fail to exhibit, although cautiously, his dislike of the Jesuits, and endeavors to show that their coming to Port Royal involved delay and expense to the colonial movement, thereby injuring Poutrincourt. The possibility of making Christians out of the wandering Indians puzzles his mind, whilst the conclusion of Biard's study of the case is that, despite all the drawbacks, the Jesuit mission in Acadia has made a hopeful beginning.

This second volume is illustrated with four good engravings comprising maps and plans of Port Royal.

Volume III. is wholly from the pen of Father Pierre Biard and may be called a full history of Acadia up to 1614. Supposing for a moment that we were at present totally deprived of books relating to the first connection of the Caucasian with the shores of Newfoundland, Cape Breton and Cape Cod, this sole production of Biard would be sufficient to save the record of these facts from oblivion.

Beginning with the Bretons who discovered a part of the Gulf of St. Lawrence in 1504, we are brought gradually to 1604, when De Monts settled in Acadia, a round period of a century, and during the ten subsequent years the struggles of the Normans, the French Bretons, the Jesuits, the English in various sections of the coast, are related with simplicity, but with many keen and even philosophical observations.

"Whatever I saw there," he says, "was extreme poverty. Wretched cabins, open in many places; our food, peas and beans, rather scarce in quantity; our drink, pure water; the clothes of our people all in rags; our supplies found in the woods from day to day; our medicine a glass of wine on great holidays; our restoratives, perchance a little feathered game; the place uninhabited; no footprints upon the paths; our shoes only fit for the fireside. After this, go and say there is no winter in Canada. But at least do not say that the water here is not excellent, and the air not healthful, for it is certainly wonderful."

Fresh air and drinkable water, such were the practical results of the schemes conceived by De Monts, Poutrincourt and Madame de Guercheville. In 1613 Acadia was abandoned a second time, and twenty years were to elapse before the French authorities should devote their attention to it again. The Basques and the Bretons kept themselves busy as usual at the fisheries and enjoyed the liberty of trading for furs with the Indians, which was no more contested by De Monts or Poutrincourt. The actual situation of Acadia had returned to what it was from 1504 to 1604, with this difference only, that Biencourt and Latour remained in the

country with a few *coureurs de bois* in order to trade with the vessels coming yearly from France for that purpose. These two typical adventurers used to gather the pelts they could get in barter with the Indians and in time sell them to the Bretons or other French navigators. In this pursuit they continually occupied the vast area of land and sea explored by them, but more especially the peninsula of Nova Scotia, where they planted trading posts or forts, at its southern extremity.

Thus we are far from realizing the dazzling conceptions of Poutrincourt, who imagined that he had created a barony for himself when he received the grant of these wild lands from De Monts and afterwards from the King of France. Commerce was no object to him, he said. His son and Latour, who quarreled because they found that immense domain too small for their cupidity, were traders and nothing else. Madame de Guercheville wished to civilize the Indians by the employment of good preachers and schoolmasters. De Monts was wholly given to trade. None of them ever thought of the necessary element for the foundation of their pretended New France; they forgot entirely to send there a few rural families to make a beginning of the cultivation of the soil. The men they took with them were all radically unfit to make a living in a new country.

Father Biard seems to have realized that the French are not the sort of people to build a colony, when he shows how short-sighted they were during the years 1604-1613. The example of 1608-1760 in Lower Canada demonstrates on a large scale their incapacity in that respect. The explorations of the continent, Jesuit missions, war with the Indians, war with the English, all led up to a petty system of fur trade that was for the benefit of a few and of no avail to colonization. On the contrary, it always worked against the agricultural community. The latter was but a tiny shadow of what the English colonies possessed in that line. No industries, no self support; then monopoly after monopoly; nothing provided for the future. Total: 1760.

Biard writes in 1616 that if another experiment should ever be tried it would be well to dismiss first the pretentious and out-of-place idea of feudal organization for a country without inhabitants save the unruly savages. This advice was not followed by Richelieu, who established the Hundred Partners in 1627. Biard asks for the selection of a suitable locality where an earnest and sound agricultural settlement could be made; when this was done and the colony in a position to sustain itself in respect of the necessities of life it would be time to think of evangelization and fur trade.

We all know that France kept on the track of 1604 and did the reverse of what Father Biard advocated.

BENJAMIN SULTE.



*The Beginners of a Nation ; A History of the Source and Rise of the earliest English Settlements in America, with special Reference to the Life and Character of the People.* By EDWARD EGGLESTON. (New York : D. Appleton and Co. 1896. Pp. 377.)

As this is the first volume of an extended work, any judgment passed upon it must be to a degree provisional. The plan of the author is not fully revealed; the position which this volume is to occupy in the completed series cannot yet be accurately known. Still in his preface Mr. Eggleston has taken the reader to an extent into his confidence. From what is there stated one would infer that it is his purpose to write what Guizot, for example, would have called a history of civilization in the Anglo-American colonies. By taking account of the social and political forces operating then and there, he hopes to reveal the character of the age, the traits of the colonists, and the motives which led to colonization. Conversely, by a study of the colonists themselves, both individually and collectively, he will aim to show what was the nature of the forces to which they were subject. And yet it is far from the intention of the author to make his treatment of the period impersonal or in any sense abstract. He intends that it shall be a study of life as it actually existed, and that life shall be made to reveal itself through abundant examples.

The volume before us is devoted to the colonizing enterprises of the English on the American continent prior to the middle of the seventeenth century. After describing the notions—most of them false—which were at that time held concerning the New World, the author shows how Virginia, Maryland and the Puritan colonies of New England were founded. The whole, exclusive of notes, is compressed within less than 300 pages. The intention rigidly to exclude from view all that was not permanent and controlling is indicated by the fact that the work of Gorges, Mason and the New England Council is ignored. The material gathered during the years of patient research has been carefully sifted, and that which has been selected as germane to the purpose is presented to the reader in a style of such beauty and force as to make the book at once a history and a contribution to literature. The geniality of the author appears on every page. He shows little love for events or facts as such, but an affection for representative men which leads him to give what some might think a disproportionate amount of space to the analysis of their characters. But to these characterizations, at once just and brilliant, much of the attractiveness of the book is due. As they proceed from a critical study of the sources, and as the leaders at the outset largely gave direction to events, the writer seems justified in making prominent the biographical element in his narrative. This also seems to be in harmony with the general purpose of the work.

Upon the publication of a book which, like this, will be widely read, and deservedly so, the inquiry is forced upon the critic, what is the peculiar contribution here made to the literature of American history? If one looks for new facts, for positive additions to knowledge, few will be found.

Here and there from some obscure pamphlet or monograph, or from its hiding place in the volumes of some collection, a fact hitherto neglected or unknown has been brought forward and placed in its proper setting. But the field here covered has been too long cultivated and the gleaners within it have been too numerous to leave many facts undiscovered. In the later volumes of the work more positive contributions to knowledge in this form may be expected.

If one inquires whether a distinctly new point of view has been attained, resulting in a more satisfactory grouping of the facts than has been common, he will be compelled, on the whole, and so far as this volume goes, to give a negative answer. Other writers have accounted for the illusions concerning America under which Europeans of the sixteenth and seventeenth centuries labored, while the false views of colonization to which they contributed and the disastrous experiments resulting therefrom have been many times described. The intelligent reader will find himself on familiar ground when he follows Mr. Eggleston's account of the settlement of Virginia, of Separatism and Puritanism in England, and of the colonization of New England. The leading characters as they pass in review before him, John Smith, Bradford, Winthrop, Cotton, Roger Williams, Hooker, have in general the features with which he has long been acquainted. Sir Edwin Sandys is brought into deserved prominence, and his connection with the founding of more than one colony is shown. The colonization of Maryland is thrown into stronger relief than heretofore by showing at once the similarity and the contrast between its early development and that of the Puritan colonies of New England. But the reason why Maryland should be classed with Rhode Island and Connecticut as representing centrifugal tendencies in colonization is not quite apparent. Certainly it was not an offshoot of Virginia in anything like the sense in which the two colonies of southern New England were off-shoots of Massachusetts. The character of Calvert and his attitude toward toleration are treated with admirable judgment, but in discussing, from the legal standpoint, the possibility of establishing a Catholic colony in Maryland, Mr. Eggleston does not refer to the fact that the Elizabethan Act of Uniformity mentioned the dominions. So long as that was true the reference in the charter to rights enjoyed by the Bishop of Durham when England was Catholic would probably have proved worthless. In general, it seems to the reviewer that Mr. Eggleston in this volume has given to the public an able discussion in outline of the political and social history of the earliest Anglo-American achievements in colonization. It is neither purely political nor purely social history, but the two are so combined that the political element predominates. For this reason one is led to ask why most of the material in the chapter on the Procession of Motives was not reserved for a later installment of the work. The point of view, the method of treatment, the combination of political and social history in this volume, are such as to make it not essentially unlike the productions of the best of Mr. Eggleston's predecessors in the same field.



But the spirit in which the material of this book has been wrought out and presented is far superior to that usually attained. The author has put ancestor-worship, sectionalism and partisanship beneath his feet. His treatment of men and events is realistic. He has striven to know and to depict men as they were. He has not allowed later events to distort his vision of the beginning of things English on this continent. He says that he has not been able to treat the early settlers otherwise than unreverently, as men and women possessed alike of the faults and the excellencies of their age. This, of itself, is a great achievement. One has no difficulty in discovering that Mr. Eggleston admires the qualities of Sandys, of John Smith and Roger Williams, and that he dislikes the Earl of Warwick, Dale, Endicott and Cotton. The strictures upon some of these, and thus upon what they represent, are unusually severe; but at the same time the faults of his favorites are not concealed or slurred over. The highest test of the author's objectivity will come when events in which England was more directly concerned come into view, and when characters like Andros, Edmund Randolph and Hutchinson have to be discussed. It is believed that we have reached a time when a broad and impartial treatment of our early history is possible, and when such treatment in many quarters is actually in demand. The success with which Mr. Eggleston has met this demand constitutes, in the opinion of the reviewer, the highest merit of this installment of his work.

HERBERT L. OSGOOD.

*Calendar of State Papers, Colonial Series, America and West Indies, 1677-1680*, preserved in the Public Record Office. Edited by the late W. NOEL SAINSBURY and the Hon. J. W. FORTESCUE. (London: H. M. Stationery Office. 1896. Pp. lvi, 700.)

This is the fifth volume in the series of *Calendars* relating to American colonial history, issued by the British government in recent years. It has an interest, apart from its intrinsic value, in being the last of the *Calendars* the preparation of which had the benefit of the long experience and special knowledge of the late W. Noel Sainsbury. The summary of the contents of the present volume is from the pen of the present editor of the series, Hon J. W. Fortescue.

The *Calendars* make no pretension to being anything more than full indices. As compared with the text of the original documents, they are meagre and unsatisfactory, especially so to students whose attention has been directed to the accumulation of facts relating to the economic condition of the people of the colonies. Such facts are to be found in documents of all kinds, but they are generally of a character to be passed over in preparing a mere synopsis.

In examining this bulky volume, a feeling of regret is aroused that the British government has not published the original documents in full, a vast and costly undertaking, it is true, but one which would have the hearty commendation of the descendants of the English people in all

parts of the globe. Primarily, it would appear that this obligation rested upon the states once forming the thirteen American colonies, but it is an obligation which only a few have recognized. It has never, for instance, been recognized by Virginia, although these *Calendars* show the presence, in the British Public Record Office, of a great collection of documents of the most varied character, throwing a flood of light upon every aspect of her colonial life.

The present volume covers only the brief interval between 1677 and 1680, and yet it would be difficult to decide as to the superiority in importance, as well as in quantity, of matter relating to the history of each colony, which it contains. In all the colonies a spirit of unrest seems to have prevailed, showing itself ready on the slightest provocation to burst out into an active flame. Among the most important documents touching Virginia are the "Grievances of the Counties," drawn up in reply to the inquiries of the English commissioners sent to Jamestown to investigate the causes of the uprising in 1676. Of hardly less interest are the outlines of documents showing the bold and even arrogant spirit of the assemblies at a somewhat later time in opposition to the seizure of their records and to the acceptance of bills formulated in England.

In North Carolina a rebellion on a small scale broke out in 1677, the year following the uprising in Virginia. Baltimore, writing about this time from Maryland, which was then in a state of peace, admitted that very slight causes would produce an insurrection there. In Massachusetts a controversy was in progress over the claims of Mason and Gorges respecting Maine and New Hampshire. In Newfoundland a conflict had been going on between the permanent settlers of that island and the alien fishermen who sought the banks at certain seasons of the year. In Bermuda a minority of the members of the Somers Isle Company had raised a loud protest against the burdens which the majority had imposed upon the planters of the colony.

From all the colonies, whether in the South or in the North, appeals and counter-appeals were coming to the Board of Trade. This was due in some degree to the policy of that body, which had been to interfere directly and constantly in the administration of colonial affairs. The editor of the volume of the *Calendars* under review asserts that this interposition was amply justified by the inability of the people of the colonies to govern themselves, and that whenever the interposition took place, the Board, as a rule, found itself confronted by "dishonesty, shiftiness and prevarication." In only too many instances the petitions of the colonists had to contend with personal ignorance and national selfishness in the Board. Both qualities were certainly very frequently displayed in the relations of that body with Virginia, to name but one colony. A striking illustration is to be found in the vetoes put upon the acts for cessation of tobacco culture passed in the last quarter of the seventeenth century, vetoes which were at the time justified on the ground that the acts tended directly to diminish the revenues of the King. The Acts of Navigation were, there is every reason to think, in spite of the arguments advanced in their



favor, highly detrimental to the interests of all the colonies. A deaf ear was turned to the protests which these acts raised even from bigoted royalists like Sir William Berkeley.

Even the brief synopsis of the colonial *Calendars*, the present volume as much as any preceding it, shows that long after the colonies had grown to great importance in wealth and population the attitude of England was as often the attitude of a master toward a slave as of a mother towards a child, a master too who did not scruple to get as much out of the slave as could be gotten without actually destroying him.

PHILIP ALEXANDER BRUCE.

*The Puritan in England and New England.* By EZRA HOYT BYINGTON, D. D. With an Introduction by ALEXANDER MCKENZIE, D. D. (Boston: Roberts Brothers. 1896. Pp. xl, 406.)

THE title is too large for the book, which is a compend of the more accessible matter in Puritan history, expressed in the form of detached essays. The whole is written in a very lucid and agreeable style, under the introduction of a distinguished Congregational clergyman. The essays treat of "The Puritan in England," "The Pilgrim and the Puritan: Which?" two thin treatises, "The Early Ministers of New England," "The Family and Social Life of the Puritans," "William Pynchon Gent.," "The Case of Robert Breck," a paper on Brunswick, Me., with a good account of the "Religious Opinions of the Fathers of New England." The latter study shows more historic insight, perhaps, than any other part of the book.

There is a pure or purist spirit, working at all times in all systems of faith, whether Roman, Anglican, Calvinistic or Quaker. When Main-tenon infused the court of Louis XIV. with asceticism, this essence was felt in the wilds of Catholic Canada, as it was relatively in Congregational Boston. The word "Puritan" must be defined historically and more severely. Some writers merge the "bare, intense spiritualism of the Puritan" into the system and life of non-conformists, Independents, moderate Anglicans on the religious and social side, together with the political life of independents, republicans and democrats on another side. Our author is one of those who forget the historic consequences of the outgrowths of the Puritan or non-conforming system in defining the general results of history to be generally Puritan. Where is the line between what is pure and Puritan and what is universal and Catholic? For example, Unitarianism is a theological outgrowth of the Calvinistic system, but it would hardly be called a characteristic part of Puritanism. So politically. Independency beheaded a king and founded republics, but what founded the republics of Virginia, Pennsylvania and Maryland?

Dr. Byington follows these confused lines of Puritan development in England, and, as might be expected, the results are inconsistent, when unfolded in the larger field of America. He admits the germinal force of the Brownist or Separatist doctrines; "from them have sprung the

great body of dissenting churches in Great Britain, and the Independent and Congregational churches in America" (p. 22). But whence came the Westminster Assembly and its Confession?

In history, whether for narration or deduction, the whole is always larger than any of its parts. In this sort of exegesis a part is constantly absorbing the whole. To wit: "The Puritan element in our population has been the controlling power in the Republic" (p. 5). "Their [*i. e.*, the early preachers of New England] theological views tended to make them the defenders of liberty. They laid the foundations of the Republic. Their churches were democratic. So were their towns" (p. 323). Whence came Benjamin Franklin, Thomas Paine and Thomas Jefferson? Paine's philosophy does not read large now; it was large then. These thinkers—who were far outside the pale of Puritanism, defined in its largest sense—brought the Cromwellian element into the political development of the United States. This was the mastering force that forever separated church and state in this fair land.

This curious mental bent deflects all writers of this school of apologists. "The religious sentiment of the Puritans has developed the altruistic feeling, so abundant in modern life" (p. 222). Where are there altruists who excel the Catholic Sisters of Charity? Our author finds the social life of New England in those days to have been pleasant and cheerful. It does not appear that he has read Sewall's *Diary*. All this leads to the more important statements of the book, which deny or explain away the bigotry of the Puritans. In the matter of Roger Williams (p. 171) or of Pynchon (p. 211) there was an inevitable necessity, which carried the authorities in about the right direction. In witchcraft (p. 176) folly drove them into horrors. It was a necessary drift of the time, which sacrificed many more victims in England or Germany. But Connecticut and Rhode Island—not to mention the middle and southern colonies—did not slaughter any. Dryden's definition is as good now as when it was written:

"Name it not faith, but bungling *bigottry*."

Dr. Byington's ideal would be found—we fancy—more nearly realized in the history of the Connecticut Puritans, than those of Massachusetts, for whom he apologizes. This is not stated, though he gives a good account of Hooker's system (p. 169). The fathers laid down a state in the Connecticut valley, which lasted without change more than a century and a half. It had its limitations, narrow enough sometimes. But where has the inward and outward life of a people moved in closer harmony than it did in the land of steady habits in those days? He hardly apprehends the character of the men of Massachusetts Bay. To them tolerance was both an evil and a sin. If any more stringent intolerance could have been invented, it would have been welcome to them.

Our objection to the title was not mere technical criticism. We would not treat over harshly a kindly book in elegant form. But history—if written and rewritten—should aim at truth and not lapse into mere



apology, however gentle and forbearing. The shadows on the historical canvas are deep and dark, because the forces which projected them were mighty and terrible.

WM. B. WEEDEN.

*The Bay Colony: a Civil, Religious and Social History of the Massachusetts Colony and its Settlements, from . . . . 1624 to the death of Winthrop in 1650.* By WILLIAM DUMMER NORTHEND, LL.D. (Boston: Estes and Lauriat. [1896.] Pp. viii, 249.)

THE descendants of the Puritans of New England will not allow the world in any generation to forget the doings of the forefathers. This is a well-written epitome of the story which has been told so many times in the larger histories. The introduction treats of Plymouth colony and the work antecedent to the foundation of Massachusetts Bay. The chapters then move forward in orderly development. The settlements at Cape Ann led to the larger movement of the Bay Colony proper. The full text of the charter is given in an appendix.

Of necessity, the story is founded on Winthrop's journal, and copious extracts are drawn from that masterly piece of history. If the general reader can be induced to read the original for himself, this book will have served a very useful purpose.

Many modern writers seem to fear that the Puritans will suffer unduly, if the ordinary canons of criticism be applied to their work. In this, we think they underrate their heroes, who were really, if not ideally great. Those men were too large and too strong to be injured by any honest criticism. Our author closely follows the deprecating method. He might have profited by opening his mind to the treatment of the Hutchinson case by C. F. Adams. As it is, he goes farther than Winthrop himself in justifying this strange epidemic in early Boston. The same principle applies to the case of Samuel Gorton and similar episodes.

The treatment of Massachusetts Congregationalism (pp. 258-270) is very good, and its effect on English ecclesiastical development is well brought out. Independency, a larger force than Puritan Presbyterianism, was directly encouraged by the New England cult, and by the emigrants who returned home to take part in the rise of the Commonwealth.

The book is interesting and agreeable, as much detail encumbering the larger histories is stripped off or avoided. It ends rather precipitately, with the death of Winthrop.

W. B. W.

*Pennsylvania, Colony and Commonwealth.* By SIDNEY GEORGE FISHER. (Philadelphia: Henry T. Coates and Co. 1897. Pp. xiii, 442.)

IN this little book Mr. Fisher presents, first, a brief sketch of Pennsylvania history prior to the Seven Years' War, then a digression upon commerce, wealth and education, after which he resumes the narrative

and continues it to 1765. He thereupon devotes fifteen pages to a picture of life and manners at the time of the Revolution, considers the rise and progress of that struggle, with particular reference of course to what occurred in Pennsylvania, and gives a number of interesting details about the part taken by eminent Pennsylvanians in the adoption of the Declaration of Independence and in the formation of the Constitution. The last four chapters deal with the Whiskey Rebellion and minor outbreaks, the action of Pennsylvania in the Civil War, and the rise and decline of Philadelphia.

He starts out with the conviction that Pennsylvania belonged to the Quakers, and that the Quakers were heroes, whose achievements he describes until the time when they were driven from their stronghold in the assembly by the Scotch-Irish in 1776. Nevertheless he intimates that not only were the Friends fond of exercising political power, but employed somewhat questionable means to obtain it, as the following extract (p. 91) will show: "The reason why the Quakers were always able to secure the votes of the province, and maintain their supremacy over a people who differed from them in religion and outnumbered them, was partly by the effectiveness of their political organization, and partly through the friendship of the Germans. Every Quaker meeting was a source of political influence and a means of persuading and compelling votes, and by many years of practice and experience the people had become very skillful."

A careful inspection of the work will reveal the fact that, while Mr. Fisher has presented much that is old in a new and attractive garb, his close dependence upon secondary authorities, as well as the evident haste with which portions of the book have been written, resulting in a certain amount of error and repetition, detract somewhat from its value as a contribution to Pennsylvania history. Had he read the sentiments of public spirit expressed in the personal correspondence of Thomas Penn he might not have characterized that proprietor as "suspicious and ill-natured toward the people" (p. 84), or as "hard, narrow and meanly economical" (p. 127). Nor, in his discussion of the taxation of their estates, would he have made the following statement about the proprietors (p. 219)—a statement which cannot be substantiated: "Their pride was broken and their attacks on the liberties of the colony decisively checked. They had intended to use the necessities of the war to curtail provincial rights, but the end of the war brought only a curtailment of their own excesses."

Here are some examples of error: the application of William Penn to Charles II. for the grant of Pennsylvania was made June 14, 1680, not 1681 (p. 4); the proprietor was not authorized, in cases of emergency, to make laws without the consent of the freemen, but to make temporary ordinances, the highly restricted character of which is positively stated in the royal charter; the deeds of enfeoffment granted by the Duke of York, August 24, 1682, could not give Penn any legal title to the three lower counties on the Delaware (p. 13); the annual income



from Pennsylvania enjoyed by the proprietors in 1759 was not about £10,000 (p. 136), but about £4,000; Franklin's *Historical Review* is not "an important historical authority" (p. 216). The proper and legal incorporation into the regular proprietary instructions to Gov. Morris of an order sent by the Privy Council to all the colonial governors in 1740—and declared by the attorney-general to be obligatory upon all succeeding governors—forbidding them to pass any act for the issue of bills of credit without the insertion of a clause suspending its execution until the king's pleasure was made known, can hardly be construed as an attempt on the liberties of the assembly, in which "the proprietors were aided and abetted by the Privy Council" (p. 149). To the student of comparative colonial administration, French and English, furthermore, Mr. Fisher's opinion (p. 150) that if the Pennsylvania assembly had yielded to this and similar attempts "the province might just as well have been conquered by the French," and that "her chance for liberty under the French would have been better," will seem based upon prejudice.

With the exception of such *corrigenda*, which ought not to appear in the composition of a work even primarily designed for popular reading any more than if intended for historical students alone, *Pennsylvania, Colony and Commonwealth*, fulfills its mission well.

WILLIAM R. SHEPHERD.

*The Life of Roger Sherman.* By LEWIS HENRY BOUTELL. (Chicago: A. C. McClurg and Co. 1896. Pp. ix, 361.)

AMONG American statesmen of the last half of the eighteenth century, Roger Sherman can fairly claim a place in the second rank. He is not to be named with Washington, Franklin, Jefferson, John Adams, Madison or Hamilton; but it would be difficult to make up a list of half a dozen more, on any definite principle of selection, from which he would be omitted. From the day when he stood up as one of the committee of five to report to Congress the draft of the Declaration of Independence, until his death, while a member of the Senate in the first year of Washington's second administration, he occupied continuously a conspicuous position among the political leaders of the country.

A biography that has been delayed for a hundred years, for this is the first extended account of Sherman's life that has ever been written, gains something in richness of material from the published diaries and correspondence of contemporaries and opened doors to public archives, but loses more in the separation of its author from the spirit and the familiar talk of the times of which he treats. Mr. Boutell tells a "plain, unvarnished tale," set out with very little of warmth or color. There was, indeed, nothing in his subject to awake enthusiasm. Sherman, while quick-witted and gifted with a keen sense of humor, which he often brought into effective play in debate, was of a self-contained and impassive temperament. Everybody respected and trusted him; he had warm

personal friends, but he never had a general personal following. He was no leader of men, except as he led in measures.

Like Franklin, he had been thrown early on his own resources, and had won his education by the hardest, in the intervals of daily manual labor. It is not the worst way for a strong man. An education bought at that price is held at its true value. The owner never forgets what it has cost him, and seldom fails to put it to its best use. Sherman's self-education soon turned a shoemaker into a surveyor, the surveyor into a lawyer, the lawyer into a judge, and the judge into a statesman. He was a good subject for it, by right of heredity. While he learned his trade of his father, his grandfather was a leading man in Watertown, Massachusetts, and his great-grandfather was the principal surveyor in the colony and the son of an English manufacturer in easy circumstances, several of whose ancestors had been members of the House of Commons.

Sherman removed from Massachusetts to Connecticut soon after he came of age and settled in New Milford, then a frontier town, where he established himself as a surveyor, under a colony commission, and within a few years prepared the first of a series of almanacs, which were annually published in New York under his name from 1750 until 1761. In 1752 he published anonymously a tract on the evils of paper currency as tender in payment of debts, written in simple, plain English, after the style of Poor Richard, and arguing the subject mainly on its legal side. Two years later he was admitted to the bar. Shortly after followed an election to the General Assembly, a body of which he remained a member, in one branch or the other, during most of his life. He removed to New Haven in 1761, and five years later was elected a judge of the Superior Court.

Sherman was a strong friend of the ecclesiastical establishment which then existed in Connecticut. His biographer gives an interesting letter which he wrote to the colony agent at London in 1768, in regard to the petitions which had been sent over by some of the Episcopal clergy for the appointment of an American bishop. He urged the importance of an act of Parliament to declare that such a bishop should have no political or judicial authority, remarking that "our fathers and even some of ourselves have seen and heard the tyranny of Bishops' Courts."

Sherman was among the first to deny the right of Parliament to regulate American trade. In a letter to Thomas Cushing of Boston, written in 1772, he urges the impolicy of any concessions by the colonial legislatures as to that point, and asks how, if it is a fundamental principle in the British Constitution that no laws bind the people but such as they consent to be governed by, the people of the colonies have not as good a title to its protection as their fellow-subjects in England. He went, full of these ideas, to the first Continental Congress in Carpenter's Hall, in 1774, and early in its discussions stated them at a meeting of the principal committee. The colonies, he said, were not corporations subordinate to the power of Parliament. Their own assemblies alone could make laws for them. They had adopted the common law, not because it was the common law, but because it was the highest reason.



Sherman was one of the committee to draft the Articles of Confederation in 1776, and proposed to them to have the votes of Congress taken by calling first the colonies, and then all the delegates individually, and requiring for the adoption of any measure the consent of a majority of both; anticipating here, in substance, as Mr. Boutell remarks, the compromise by which, under our present Constitution, Congress was divided into two houses, one representing the states and the other the people. Of the immediate necessity of forming some regular confederated government he entertained no doubt. "If it is not done," he wrote, in 1777, to Samuel Adams, "while the war lasts I fear it will not be done at all."

His views on paper currency were thus expressed in a letter to Gov. Trumbull in 1780: "Paper money does its office when it goes out in payment, and ought to be among the people as a medium of trade no longer than to find its way into their pockets; and, like private security, should be destroyed when returned into the office it issued from . . . . To re-issue bills taken in by loans and taxes accumulates the public debt in a way not open to the inspection of the people."

In 1783, as a member of a commission to revise the laws of Connecticut, he framed a statute allowing suits on joint contracts where some of the defendants lived out of the state, judgment to go against all, on service of process on those who were inhabitants, reserving a remedy, by writ of *Audita Querela*, in favor of any non-resident who might claim that he had a defense and no opportunity of making it. Similar laws have since been passed by most of our states, and have proved of great convenience.

Sherman's work in the Constitutional Convention of 1787 has been previously sketched by Mr. Boutell in a valuable paper, read before the American Historical Association. A statement, still more valuable, is now given of his contribution to the framework of our national legislation, while a member, first of the House of Representatives, and then of the Senate, during the last four years of his life. It was a substantial and durable contribution. He was often on the floor, and always spoke with effect and to the exact point in issue. When the first revenue bill was under discussion a Virginian member moved to impose a duty of ten dollars on each slave imported, in order, as he said, to prevent the inhuman traffic, and do away with the inconsistency of our principles, as shown by contrasting our laws with our Declaration of Independence. Sherman replied that the principles of the motion and those of the bill before the house were certainly inconsistent, for the principle of the bill was to raise revenue, while that of the motion was to correct a moral evil; and that as a revenue measure it was unjust, because two or three states would bear the whole burden.

He was one of the strongest defenders of the theory that the Constitution was established by the people at large, acting as a political whole. The Tenth Amendment was reported to the House in this form: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively." It

was at his instance that the House added the all important words, "or to the people."

Mr. Boutell was given free access to an extremely valuable collection of Sherman MSS. collected by Senator Hoar of Massachusetts. One memorandum he prints in *fac simile*, which Sherman handed to Madison during the debate on the bill to establish the first Bank of the United States. It states in a few words the argument afterwards elaborated by Chief Justice Marshall in the great case of *McCulloch vs. Maryland*. The book is also enriched by a number of family stories which tradition has preserved. The best of them is told in connection with a visit which Washington once made at Sherman's house. As he rose to go, Mehetabel Sherman, a girl of twelve (and afterwards the mother of William M. Evarts, of New York), ran to open the front door for him. Putting his hand kindly on her head as he passed out, Washington said, "You deserve a better office, my little lady." "Yes, sir," she replied with a curtsey, "to let you in."

Mr. Boutell has preferred a topical rather than a chronological arrangement of his material, and it is doubtful whether Sherman's was a character that can be best treated in that manner. He tells his story clearly, however, and without padding, and although the work bears some evidence of haste in its preparation it is one of substantial value to the historical student.

SIMEON E. BALDWIN.

*George Washington.* By WOODROW WILSON. (New York: Harper and Brothers. 1897. Pp. ix, 333.) }

*The True George Washington.* By PAUL LEICESTER FORD. (Philadelphia: The J. B. Lippincott Co. 1896. Pp. 317.)

HERE are two volumes on the Father of his Country, written by two very clever authors, appearing simultaneously, but treating their subjects very differently. Professor Wilson, by a brilliant summing up of the claims of his hero, has justified the crowning of him as Prince of Men by that well-nigh universal acclaim which has pronounced him the "Best of Great Men, and the Greatest of Good Men." As a literary artist he has made with his pen as true a representation as did Houdon with his chisel.

The author commences with a fine chapter on the character, manners and customs of the Virginia society in which Washington was reared. As the immigrant ancestor of Washington was a royalist, and many royalists came to Virginia during the days of the Commonwealth, there was a temptation to enlist with those who maintain that Virginia got her character from her cavaliers. In doing so, however, our author has ventured on disputed ground. The late Hugh Blair Grigsby, than whom no one was more deeply versed in Virginia history, in his *Discourse on the Virginia Convention of 1776*, ably maintains that the character of Virginia society was first formed by the men of moderate means who came



early to the colony, and that while many royalists came during Cromwell's time, a number of these returned on the restoration of Charles II., and many adherents of the Commonwealth came in their stead; and he calls attention to the fact that the valley of Virginia was entirely settled by Germans and Scotch-Irish, while many Huguenots settled in eastern Virginia. The truth probably lies between the different theories, and Virginia character was simply pure Anglo-Saxon, with a slight admixture of other European elements, developed in a mild climate, on a generous soil, and under a system of agricultural labor which made every landowner an English commoner, independent in thought and action. This development the author points out.

In the chapter entitled "A Virginian Breeding" the author pictures the domestic circle and the early friendships which so potently shaped the career of Washington. In doing so he gives due credit to his mother and brother Lawrence. The mother, left a widow before George was twelve years of age, he describes as "a wise and provident mother, a woman of too firm a character and too steadfast a courage to be dismayed by responsibility," and who "had shown a singular capacity for business." Of the brother he says that, though but twenty-five when his father died and left him the head of the family, he "proved himself such an older brother as it could but better and elevate a boy to have." We then have given us the traits of the boy that was father to the man. "He was above all things else a capable, executive boy. He loved mastery, and he relished acquiring the most effective means of mastery in all practical affairs. His very exercise-books used at school gave proof of it. They were filled, not only with the rules, formulæ, diagrams and exercises of surveying, which he was taking special pains to learn, at the advice of friends, but also with careful copies of legal and mercantile papers." The high tone of the boy soon drew to him the best men in the community, and among them Thomas, Lord Fairfax, a man of large landed estate in Virginia upon which he had come to reside in 1746; a man of taste and culture, who had written with Addison and Steele for the *Spectator*. From him the boy learned "the scrupulous deportment of a high-bred and honorable man of the world; the use of books by those who preferred affairs; the way in which strength may be rendered gracious and independence made generous." Left by his father in moderate circumstances, young Washington realized the necessity of applying himself to business at an early age, and so matured was he in the development of business traits of a high order that at sixteen Lord Fairfax employed him to survey a large tract of land on the Shenandoah; a dangerous enterprise, as it lay in a rough frontier region. The task quickly and accurately performed brought him other business, which kept him busy for three years. He could hardly have had a better training for after life. It fitted him as an engineer when he afterwards entered military life. Upon the death of his brother Lawrence he found himself named as an executor of his will and the residuary legatee of his large estate on the death of his child. He had already been commis-

sioned a major in the militia in the place of his brother. Thus at the age of twenty Washington was fully launched upon the stern business of life and placed under responsibilities difficult to be borne by matured men. How well he met those responsibilities our author shows, and in doing so traces the development of his noble character.

To the cares of business, thus early thrust upon him, were added within a year the responsibilities of public services of a grave character. In 1753 the French undertook to occupy the territory bordering on the Ohio, claimed by the English. Governor Dinwiddie was directed by the home government to warn them peaceably to depart, and if they did not heed the warning, to drive them off by force of arms. Young Major Washington was selected to serve the notice to quit, and he performed the task amidst great difficulties. His journey of 250 miles was through forests, often without even an Indian trail, amid snow and rain, over swollen rivers, and through the haunts of treacherous savages. Washington, with a guide and a small party, promptly appeared at a French outpost and received from the officer in command a flat refusal to the request to retire from the disputed territory. The next step to be taken was to drive off the intruders, and in the spring of 1754 we find Washington as lieutenant-colonel, with a small force, making his way over the Alleghanies for the purpose of executing this task. Camped at Great Meadows, just across the ridge of the mountains, while waiting for Col. Fry to join him, Washington with forty men came upon a party of thirty Frenchmen, May 28, 1754, and an engagement ensued in which the French were overcome, and Jumonville, their commander, was killed. This was the beginning of the war that was waged in Europe and America, and ended in 1763 by the surrender to the English of Canada and all the territory east of the Mississippi claimed by the French. Thus the skirmish at Great Meadows, in which Washington first snuffed the breath of battle and drew French blood, resulted in the final supremacy of the Anglo-Saxon race in North America. The man who thus commenced this momentous struggle was destined to wrest from England, within less than thirty years, her American colonies, including the very territory on which that struggle commenced.

But the flush of victory at the Great Meadows soon turned to the pallor of defeat. The French at once sent against the rude fort a force double that of Washington. After exhausting his ammunition, the gallant colonel was forced to surrender on July 4, 1754, but on terms highly honorable, under which he withdrew his little force and returned to Virginia. Though the expedition had failed, because unsupported, Washington came back with increased reputation. The next year we find him with the unfortunate Braddock, rescuing his shattered army after its terrible reverse near Fort Duquesne. These early experiences taught Washington a lesson which was of infinite service in after life. He learned early how to bear defeat. In 1758 Col. Washington accompanied Gen. Forbes in another expedition against Fort Duquesne. Now they found the fort burned and deserted by the French, and Gen. Forbes hoisted the English flag and re-named the post Fort Pitt.



Washington returned to Mount Vernon, now his property, and in January, 1759, married Martha Custis, who added largely to his estate and immeasurably to his happiness. Soon we find him in the House of Burgesses, urging the claims of his soldiers to the pay withheld from them, and the watchful guardian of every interest of the military of the colony. Now he had time to indulge his passion for agriculture in the management of the large estates inherited from his brother and belonging to his wife. We find him fond of the manly recreations of the Virginians of his day, and in all respects a Virginia gentleman of the highest type. But the quiet of domestic life was soon to be replaced by political troubles of the gravest import. The determination of the English ministry to tax the colonies, manifested in the stamp duties imposed by Parliament, aroused America. The Virginia Burgesses rang the alarm-bell in the adoption, on May 30, 1765, of the resolutions offered by Patrick Henry, which looked toward resistance to the act. As is well known, this young man of twenty-nine, who had been a member of the House only a few days, carried his resolutions after a heated debate, in which all the older men who had been leaders in the body were arrayed against him. Our author leaves us in doubt as to Washington's vote on that fateful day, the beginning of the end of English rule of her American colonies. He was in his seat, as his diary shows, and that he voted with Henry may be fairly inferred from his letter to Francis Dandridge, September 20, 1765, in which he styles the act "unconstitutional," the ground taken by Mr. Henry.

With a rapid review of the continued troubles between Great Britain and her colonies, the author brings us to the Continental Congress, the first clashing of arms, and the appointment of Washington to be commander-in-chief of the American army. He then brings out with remarkable distinctness his claims to true greatness, not only in his genius as a soldier but in his control of the political bodies and the leading men, whose aid was indispensable to the success of the Revolution. The story of the Revolutionary War, as told by Professor Wilson, reads like a grand epic poem with Washington as the hero. No one, indeed, can be familiar with the history of that memorable struggle without being impressed with the belief that but for Washington the cause of the colonies would have failed.

At its close, unlike Cæsar, he met the suggestion of a crown with so much indignation that it was never renewed. Retiring to Mount Vernon, with the fond hope of spending his remaining days in quiet domestic life, he found himself too famous to be allowed the rest he coveted. Very soon, too, the weakness of the Confederation became painfully evident, and those who had won free institutions became alarmed about their preservation amid state jealousies and anarchical tendencies. Washington now bent his energies towards the realization of a federal government which would be strong enough to ensure the general welfare, while leaving to the states the management of their local affairs. Such a government he had recommended in 1783 in a letter to the governors of the states on the disbanding of the army.

The work of the National Convention accomplished in framing the Federal Constitution, Washington set himself earnestly to work to have it adopted. Beyond question, the statement of Count Moustier, the French minister to the United States, was true. He wrote in 1789, "The opinion of General Washington was of such weight that it alone contributed more than any other measure to cause the present Constitution to be adopted." Professor Wilson, in describing the struggle for adoption, does not do justice to the Virginians who opposed the unamended Constitution. He says, "It disturbed him (Washington) keenly to find George Mason opposing the Constitution—the dear friend from whom he had always accepted counsel hitherto in public affairs—and Richard Henry Lee and Patrick Henry, too, in their passionate attachment to what they deemed the just sovereignty of Virginia." These three statesmen did not oppose the Constitution as a plan of government. They saw plainly, however, that the guards against encroachment by the great powers brought into existence upon the rights of the people and of the states were not sufficient; and they proposed amendments, which they wished engrafted before adoption, to strengthen those guards. The amendments they suggested were urged by the Virginia Convention and the most important were adopted very soon by the states. These constitute the first ten amendments, and nine of them are for the protection of the individual citizen, eight being taken from the Virginia Bill of Rights. The tenth alone refers to the states and reserves to them, or to the people, the powers not delegated to the United States, or prohibited to the states. The wisdom of these amendments has been amply vindicated in the history of the national government, and has been acknowledged by courts and jurists. It is high time that historians should give due honor to those far-seeing statesmen who insisted on their adoption.

The account of Washington's administration is mainly taken up by Professor Wilson with relating his wise sending-off of the new government, and his firm resistance to the tendency of the country to take active sides in the passionate struggle in Europe, caused by the French Revolution. No one now doubts the great wisdom of his administration. The last scenes in the life of the hero and statesman are well told.

On the whole, it may be said that Professor Wilson has given us no new facts, but he has taken the well-known events of Washington's life and, with a pen of genius, has thrown around them a fresh charm. The volume is beautifully printed and illustrated, and will add permanently to the author's well-established reputation.

The volume of Mr. Ford is cast in an entirely different mould. He holds that Washington has been described as a demi-god, and he proposes to humanize him. He frankly admits, however, that the process has made Washington appear all the greater to him. The result of his inquiry is, therefore, the proof of the right of the Father of his Country to the continued admiration of the world in full measure. But in introducing us into the private life of Washington, the author has not always been just to those in intimate relations with him. In his first chapter he



attempts to dwarf Mary Washington's influence on her son in his youth, and quotes her querulous complaints in her old age—she lived to be eighty-three—when she was doubtless failing in mind, as indicative of her character when a young widow. Even her tenderness and anxiety for her young son are charged as faults. That she was a woman of strong character can hardly be doubted, and that she exerted a controlling influence on the character of her son, though he spent some of his youth with his elder brothers, rests on sufficient authority. Washington Irving tells us that she was said to be in the habit of reading good books to her little flock, and her favorite volume was Sir Matthew Hale's *Contemplations Moral and Divine*, which doubtless had great influence in forming their characters. This precious volume, bearing his mother's autograph, Washington preserved to the day of his death. This one service of his mother was sufficient to lay the foundation of his character, which resembled so much Sir Matthew Hale's ideal. It shows, too, that she was not illiterate, as stated by Mr. Ford. Not content with dwarfing the influence of Mary Washington, our author is disposed to belittle Martha also. But as he admits that her husband was satisfied with her, and describes her as the "partner of all my domestic enjoyments," we may feel sure that she was a woman of worth, as well as of culture, else she could not have won or retained her husband's affections.

In the chapter on Washington's relations to the fair sex, the author notices some scandals reflecting on his virtue. One of them he completely refutes; but the other, which is a suggestion in the intercepted letter of Benjamin Harrison written in 1775 and printed in the *Gentleman's Magazine*, he does not explain. To one familiar with Benjamin Harrison's character, the explanation is easy. He was very free in his manner of life and rough in his jokes, and the passage in his letter quoted by Mr. Ford was evidently a rude joke based on the sterility of Washington's marriage.

The author's treatment of the question of Washington's religious belief is not satisfactory. After quoting Thomas Jefferson as the reporter of conversations with Gouverneur Morris, to the effect that Washington discredited Christianity as much as did Morris, and stating that Morris was an atheist, Mr. Ford quotes Madison as saying that he supposed Washington had not formed definite opinions on the subject. He then gives authority to the effect that he was not a communicant, and leaves the reader under the impression that Washington was probably an infidel, if not an atheist. That Mr. Jefferson was an inaccurate reporter of conversations is well established, and it is not probable that Washington confided his religious views to Morris, who was so different from him in his habits and morals. But Washington's public utterances show conclusively that he believed in Christianity as a divine revelation, if he is to be credited with ordinary sincerity. He frequently refers to an overruling Providence in his addresses, showing that he was no atheist. But he had also definite opinions as to Christianity. I need cite only two addresses to show this. In his Farewell Address to the people of the

United States he says, "Of all dispositions and habits which lead to political prosperity, Religion and Morality are indispensable. And let us with caution indulge the supposition that Morality can be maintained without Religion." In his letter to the governors of the states, June 8, 1783, he says, "The free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and above all, the pure and benign light of Revelation, have had meliorating influence on mankind, and increased the blessings of Society." That he refers to the Christian religion, and to the Christian's Bible in these passages, cannot be doubted. It should be remembered also that on the surrender of Cornwallis he ordered divine service with thanksgiving to God for the victory. That he did not commune is only evidence of his feeling of unworthiness, not of his disbelief in Christianity. But enough of fault-finding. The reader will be too much interested to lay down Mr. Ford's volume until he has read it through. The author has gotten from various sources much new matter which he has mingled with the old, so as to make a charming book. He has vindicated his hero from various aspersions of his enemies, and the searchlight he has thrown upon him has only brought out "the true George Washington" in nobler proportions. The volume is also handsomely printed and illustrated and is of permanent value in Washington literature.

WM. WIRT HENRY.

*The Life, Public Services, Addresses and Letters of Elias Boudinot*, LL.D., President of the Continental Congress. Edited by J. J. BOUDINOT. (Boston and New York: Houghton, Mifflin and Co. 1896. Two vols, pp. xvii, 419; vii, 415.)

THIS is not a biography. Although the life of a man like Elias Boudinot, who was so intimately associated with the men and events of a most important epoch in American history, would seem to afford an important theme, his modest kinswoman has contented herself with presenting—connected by a very slender thread of narrative—a collection of letters to and from Boudinot. We learn that, while residing at Elizabethtown, New Jersey, at the beginning of the Revolution, he immediately took an active part in the local committee of correspondence. A curious story is given showing the reluctance of John Witherspoon and other patriots to countenance an irrevocable breach with Great Britain. Being appointed by Congress to the position of commissary-general of prisoners, his difficulties in securing proper treatment of the Americans in New York are described by him, and in this connection he tells of a characteristic interview with General Charles Lee, who submitted to him, while a prisoner, a preposterous plan for the removal of Congress and the whole population to the western country, leaving the British in possession of the coast states. It savors somewhat of his famous "plan" which Lee



offered to Lord and General Howe in 1777. Boudinot took his seat in Congress, in July, 1778, as one of New Jersey's representatives, was reappointed in July and November, 1781, and again in 1782, when he was elected president, in which capacity he had the satisfaction and the distinguished honor of proclaiming the definite treaty of peace with Great Britain in the ensuing year. His correspondence during the congressional service is naturally of considerable interest, including, as it does, letters to and from Washington and other military men, the leaders in Congress, and statesmen abroad. He was elected a member of the first Federal Congress, and re-elected in 1791 and 1793, and gives us many inside views of the discussions in that body, and of the principal men in the government, together with much of interest relating to the social life of the new government. It will be recollected that his account of Washington's reception on his inauguration as President under the Federal Constitution is one of the best we have of that interesting event. On retiring from Congress he was anxious to devote his time and talents, which were not inconsiderable, to his private fortunes, which had become greatly impaired during his long public service, and he resumed the practice of the law in New Jersey. But he was speedily summoned from retirement, and at the request of Washington became director of the mint, an office he retained for ten years, 1795-1805. Subsequently he founded and was elected first president of the American Bible Society. He died at Burlington, N. J., October 21, 1821, having passed his eighty-first year. He was of scholarly tastes, and by marriage was doubly akin to Richard Stockton, who married his sister and whose sister he married. Hence we find in these two handsome volumes letters to and from a wide variety of persons, and not from the statesmen and politicians of the day alone. The letters given are mostly from the family archives, and heretofore unpublished, so that they are a real addition to the history of the period. The speeches are mainly reprinted from the *Annals of Congress*, but a few unpublished orations are added. Many of Mr. Boudinot's letters are to his wife, written with the utmost freedom, communicating without reserve the situation of the moment, the gossip of the day, and those trifles that often throw light on important events. A considerable portion of the work consists of extracts from some "Reminiscences" of Mr. Boudinot written by him from time to time, the MS. of which is now in the library of John Nicholas Brown, Esq., of Providence, R. I. (A document of the same kind, though perhaps not so full, is also in the Historical Society of Pennsylvania.) It would enable us to form a more accurate judgment of the value of these "Reminiscences" if we knew just when and under what circumstances they were written. Various facts indicate that they were prepared many years after the occurrence of the incidents described, but while the recollection of them was still strong in the mind of the writer. His unrestrained relations are most refreshing, and often throw light on obscure points in the history of his time. Although his narrative will be regarded with caution where it runs counter to accepted history, it will nevertheless be studied with interest. As already



remarked, these volumes are not a biography, but they are uncommonly full of original material for the student of history.

WILLIAM NELSON.

*The Contest over the Ratification of the Federal Constitution in the State of Massachusetts.* By SAMUEL BANNISTER HARDING, A.M., Assistant Professor of History in Indiana University. [Harvard Historical Studies, Volume II.] (New York: Longmans, Green and Co. 1896. Pp. 194.)

IN this monograph the author proceeds first to examine the conditions which lay behind the decision of the Massachusetts convention of 1788. He shows by a brief survey of the political events anterior to this time that the people of the state were familiar with the idea of discussing and deciding in town meeting important constitutional questions, and had thereby gained a considerable degree of self-confidence. He finds the chief opposition to the Federal Constitution showing itself in three forms: distrust of delegated power; conflict of interests between the agricultural and the commercial sections of the state; the antagonism between the aristocratic and the democratic elements of society, which last he regards as the underlying cause of all the opposition. How, in the convention at Boston, the friends of the new constitution met their more numerous opponents with arguments and mollified them with concessions till they succeeded in winning over a sufficient number to carry their point, is especially well brought out. In his discussion of the part taken by Hancock in the contest Mr. Harding throws new light on the details of the bargain by which the governor was adroitly made to play into the hands of the Federals in return for their support in the next election, and other pledges of a less tangible character. The bibliographical note and the list of authorities cited in the appendix are especially commendable features of the monograph.

On the whole, however, there seems to be a certain lack of balance and completeness, arising apparently either from a one-sided view or from haste in preparation. In Mr. Harding's paper on "Party Struggles over the First Pennsylvania Constitution"<sup>1</sup> he shows very clearly two things: first, the genesis of the two parties that fought later over the Federal Constitution, as revealed in the contests over the state constitutions of 1776 and 1790, in the various sessions of the legislature and in the state elections; second, the survival of these parties after the ratification of the Federal Constitution, and the trend of their later development. In his discussion of the Massachusetts ratification there is evident need of just such a political setting as he has given to the Pennsylvania contest. Massachusetts, for instance, voted on two state constitutions, one in 1778 and one in 1780, yet we are told almost nothing as to the causes of the rejection of the one and the adoption of the other, nor of the distribution of the vote on these important measures. The vote of the

<sup>1</sup> *Annual Report of the American Historical Association for 1894*, pp. 371-402.

towns in 1788 is thus left quite unrelated to the preceding votes, a study of which in this connection should reveal new and valuable material. In a similar way, quite as much space is devoted to disproving the charge of bribery in the convention as is given to the discussion of Shays's Rebellion. Yet this uprising caused the gravest apprehensions throughout the country, and the state legislature was so much in sympathy with the movement that at the special session called in September, 1786, a strong party in the House of Representatives nearly succeeded in preventing active measures against the insurgents. What gives still greater importance to the uprising is the fact that its active supporters numbered nearly one-fifth of the population in the three western counties and that two years later some twenty former members of Shays's army are reported to have been sent as delegates to the ratifying convention itself. Furthermore, to ignore the anarchistic utterances of the county conventions of Berkshire, Hampshire, Worcester and Middlesex counties, and to pass by, as Mr. Harding does, without adequate treatment, the widespread belief in and demand for stay and tender laws among the towns of these four counties, is to overlook some of the most important of the concrete and tangible sources of the opposition to the Federal Constitution.

The most serious omission, however, in the whole monograph is the complete absence of any reference to the western third of Massachusetts (the tier of towns along the eastern bank of the Connecticut river and all towns west of it) as a distinct section, possessing abundance of free land and the most fertile district in the state, with a population increasing from two to five times as fast as the general average of the state, having commercial connections chiefly with New York and Newport, and hence, as far as the rest of the state was concerned, separate in its interests, its politics and its future. Nearly one-half its votes were cast for the ratification of the Constitution, and this fact makes it plain that it belongs neither with the interior, which voted quite unanimously against ratification, nor with the coast region, which decidedly favored it. The explanation of the vote given in the monograph is so obviously meant for the region largely east of the Connecticut river that we can not take it as applying to any other part of the state. To understand the Federalism of this part of the state, we must examine the conditions in the entire Connecticut valley, of which it is a part. This great river valley, peopled by settlers from Connecticut and the eastern counties, was to the rest of New England in earlier times what the Ohio valley was to the states of the Atlantic seaboard after the Revolution. It was their frontier, occupied at first only by hardy pioneers. It bore the brunt of the French and Indian attacks (Massachusetts suffering most severely), and in the end developed a new type of men, the "river gods of the Connecticut," who faced not eastward, but westward and northwestward toward the unoccupied lands of the Mohawk valley. Naturally, then, the people of this great valley took an original and independent attitude on the question of ratification, the vote as a whole being quite evenly divided between the friends and the enemies of the new Constitution.

We must conclude, therefore, that while Mr. Harding has done excellent service in his monograph by gathering evidence as to the contemporary opinions of the period and by using this material to bring out many new phases of his subject, yet he has failed to take the larger view. The relations of the contest over the ratification in Massachusetts to those before and after it in the whole history of state politics; the great importance of the economic factors in the final decision; and, lastly, the substantial unity of the struggle throughout New England—these essentials for a complete and impartial treatment of the subject the author certainly has not incorporated in these published results of his investigations.

O. G. LIBBY.

*Constitutional History of the United States from their Declaration of Independence to the Close of their Civil War.* By GEORGE TICKNOR CURTIS. In two volumes. Vol. II., edited by JOSEPH CULBERTSON CLAYTON. (New York: Harper and Brothers. 1896. Pp. x, 780.)

IN examining this volume its precise scope and its relations to the previous work of the author should first be observed. In 1854 and 1858 Mr. Curtis published, in two volumes, his work entitled *History of the Origin, Formation and Adoption of the Constitution of the United States*. More than thirty years later, in 1889, he began the publication of a work entitled *Constitutional History of the United States*, in two volumes. The first volume appeared in the same year. It was a mere reproduction of the former volumes, as the author states, "retaining the whole of my former text." Mr. Curtis then announced his intention, "at some future time, to follow down the constitutional history of the United States through the adoption of the first twelve, and the succeeding, amendments." The present book contains what he had prepared in execution of this purpose, now published, three years after his death, and comprises, with the appendix, 780 pages. It is made up, first, of thirteen chapters, 440 pages, substantially completed by Mr. Curtis, of which the editor states that he has "not felt at liberty to make any substantial change in, or addition to the text;" next, of the bare titles or headings for five additional chapters; and, lastly, of an appendix of 337 pages of historical documents and other matter.

For the original work, done in the fifties, Mr. Curtis had many high qualifications; and at that time the work was of prime value. The author's style was too formal and cold, even jejune, for the best literary effect; his tone was somewhat too dogmatic at times for historical discussions and statements; but his powerful grasp and array of facts, his skill of exposition and forensic debate, and the strength of his well-reasoned conclusions made the work at once, and have since kept it, one of authority with courts, publicists and scholars, upon almost all points strictly within the lines marked out by its title. The materials and topics



with which Mr. Curtis then dealt belonged chiefly to a period two or three generations in the past ; the great outward facts attending the beginnings of our constitutional life were then generally undisputed ; the prevailing rubrics of the constitutional interpretation and construction had been quite well settled by Marshall and Webster ; and so the task of the constitutional historian and commentator at that time was one which adequate learning and intellectual comprehension could fairly compass. Such a task was specially suited to Mr. Curtis's tastes, studies, and habits of mind. He was an ardent champion of the constitutional views of Webster and his school ; but he was also an ardent and unwearied student of the Constitution and the sources of our constitutional development. The general accuracy of the work has been accounted, we think, by those who have most used it, exemplary. With quite pardonable pride, Mr. Curtis said in the preface to his later edition in 1889,—“ If the historical accuracy of my former work has ever been called in question I have not been aware of it. Nor have I met with anything in the writings of other authors who have since treated the same subject which has led me to doubt the correctness of my statements or the soundness of my interpretations. The work to which I refer has been so often consulted and relied upon by those who have had to construe the Constitution that I may be pardoned for believing that it is reliable.” For these reasons, as well as because the original work, when published, supplied a real want, it rose at once, as has been said, to repute and authority—a position which, within certain limits, it may long hold.

But the period between 1858 and now has brought great changes in the conditions of the task of presenting satisfactorily our constitutional progress and position. Mr. Bagehot remarks in his work on the English Constitution : “ There is a great difficulty in the way of a writer who attempts to sketch a living Constitution, a Constitution that is in actual work and power. The difficulty is that the object is in constant change.” The remark is an acute one, and is as applicable to our Constitution as to the English. The most precise phrases, enrolled and guarded most sedulously, cannot defeat the operation of this law. Our Constitution is an example of high skill in precision of expression as well as in sharpness of ideas. Yet in the light and retrospect of a century it is plain that our Constitution, as it exists and operates to-day,—its success as well as its actual development,—has resulted, as much as from its framers and its text, from three great facts and forces in our history, outside of the written Constitution : the unequalled practical sagacity, influence, and patriotism of Washington as President ; the intellectual, moral and judicial greatness of Marshall as Chief-Justice ; and the profound depth of the influence and effects of the Civil War of 1861 and its causes. Without these forces it is perhaps certain that, with the same written Constitution, our national development, political and otherwise, would have been widely and essentially different from what we now see,—a result which warrants another of Mr. Bagehot's aphorisms ; “ Success in government in England, as elsewhere, is due far more to the civil instincts and capacity of our race than to any

theoretical harmony or perfection of the rules and formulæ of governmental work."

The first volume of Mr. Curtis's work, the one published in 1889, ended with the final adoption of the Constitution by the tardiest of the thirteen states—North Carolina and Rhode Island—in 1789 and 1790. The first thirteen chapters of the present volume cover, in point of time, the period from the inauguration of Washington to the presidential election of 1876. Throughout, these chapters are discursive to a degree. The first four may be said to give no history, only disquisition and reflections, though we deliberately regard these chapters as the most valuable in the book; and while the remaining chapters do relate to some extent the course of events, the relation is incidental to the discussion of certain topics, which evidently filled the mind of the author. It seems not unjust to go farther, and say that what of history proper is contained in these chapters appears as pegs on which to hang dissertations on selected and detached topics at large and exploitures of the author's individual political notions and public views, nearly all the topics being still "burning questions" of our current politics. Such discussions, appearing, as here, in what should be a grave and impartial statement of historical results, a scientific study of events, influences and phenomena, give an uncomfortable wrench to the historical sense. For the treatment of such themes,—for example, the President's power of removal from office, the tariff, the Kansas controversy, especially the anti-slavery agitation, the relative responsibility of the North and South for the Civil War, reconstruction in all its phases, and the contested presidential election of 1876 with its incidents,—for the fair treatment of these and related topics, Mr. Curtis had conspicuous disqualifications. Though a learned lawyer and a zealous student, he was, regarding all these matters, an eager and lifelong controversialist. He was, too, a strong political partisan, first as a Boston Union Whig, and later as a New York Tammany Democrat. He was the commissioner in Boston who returned the fugitive slave, Thomas Sims, in 1851, and thirty years later he was an adviser of Tammany Hall's leader, John Kelly, in New York.

Mr. Curtis would have been the most remarkable of men, if, having such relations to the times of which he here writes, he could still give us anything, on such hotly-contested matters, worthy of being called history. What he has given us has value but not as history. It has all the value attaching to the assertions and arguments of an acute, learned and honest champion of one side. Space permits but little specification here. The ninth chapter deals with "the rise, progress and consequences of the Northern anti-slavery agitation" and opens with this dictum: "The system of African slavery, which had long existed in our Southern States, might have come, and in all probability must have come, to an end without any political or social convulsion if it had been left to the operation of causes which were tending to its peaceful removal. It could not have lasted unchanged so long as the year 1865, even if there had been no Civil War and no forcible emancipation." Against such assertions, it is



not worth while to set counter assertions, but it is proper to say they are not history, nor even well-supported opinion. They are hardly more than the self-justifying reflections of one who had always stood in fierce personal opposition to those who carried on the anti-slavery agitation. The present opinion of the world,—not yet, it is true, the final voice of history,—regards these agitators as heroes of a great moral and political advance, but let all be content to refer the question to a tribunal not yet formed, the august and final tribunal of history, impersonal, dispassionate, all-regarding, scientific history, and let none accept as history, however it be labelled, the mere assertions or prejudices or arguments of the ablest or most persuasive partisan of either side.

Reconstruction fares worse, if possible, than anti-slavery, at Mr. Curtis's hands. Here he seems to have forgotten or totally disregarded the truth that there are but few, if any, human events or topics which can be rightly set forth in colors of unrelieved darkness. Such treatment of the reconstruction period is as ineffective as it is unjust; it is ineffective because it is unjust. It is easy for lawyers or critics to point out errors, some of them flagrant, in the conduct of the Civil War and the treatment of the rebellious states and their people after the war. Both sides equally would be wiser, if like situations could recur; but the most useful and patriotic citizens and the wisest practical men were not those who took, in our stress of arms, the attitude of constant and severe criticism of those charged with duty in cabinet, field or Congress, nor those who, in our subsequent civil stress, wearied all, certainly all but themselves, by unmingled denunciation of every practicable plan of reconstruction, as well as of every man who bore any part under the plan adopted. Here, as in other matters, let all, actors or onlookers in these affairs, await the judgment of the future; and surely let none mistake the voice of this volume for that of an impartial or final tribunal. There are certainly some participants in reconstruction who await the ultimate verdict with composure and confidence.

The chapter on the contested election of 1876—the thirteenth and last—compels the remark that it does not rise above the level of an ordinary political campaign pamphlet, except in its order and style. Judicious writers, especially historians, impute personal motives which are not known or clear, sparingly. Even Macaulay, not always true to the standard, wrote, "It is not safe or fair to judge individuals in history or in life except by their avowed purposes or by acts respecting which it must be presumed they intended the results which actually followed." Mr. Curtis puts almost no restraint on his mind or pen in dealing with the actors on one side of this unique passage of our political annals, while those on the other side escape all censure and almost all notice. But the opinion grows, in the general mind, that it was a sordid and desperate game of party politics, played on both sides with equal want of scruple, in which the losers differed from the winners only in their skill or luck. On the constitutional question involved in the creation of the Electoral Commission, Mr. Curtis is entitled to be heard with re-

spect, and his argument is plainly strong, if not conclusive; but it is plainly the argument of a lawyer, not the view, or from the point of view, of the statesman. A political *impasse* had been reached, and even if Mr. Curtis's constitutional argument were admittedly sound, the Congress was shut up to the choice, on the one hand, of almost certain civil confusion and conflict, or, on the other hand of some orderly, if extra-constitutional mode of settling the disputed succession. The call was necessarily for statesmanship, not forensic argument resulting in no practical remedy. Be the condemnation ever so heavy of those who created the deadlock, the unavoidable question still was *Que faire?* The most serious-minded and patriotic men who dealt with the problem, one may say the best and wisest men of the day, were cordially agreed in regarding the solution reached as the best possible. We can only ask, not answer, whether history will approve their judgment; but they deserve respectful treatment at the hands of all who assume to dispute their wisdom. Certainly they receive scant justice, hardly due shrift, at our author's hands. The chapter which treats this topic, with the bare exception of the strictly legal argument, is not in place in a constitutional history, if in any history.

We have already done the author the justice, as we think it, of pointing out the difficulty of his task in this volume. He is handling not merely a living constitution, in Bagehot's phrase, but hot and flagrant partisan politics. Hardly any one could have been expected to be judicial on such terms. We heartily wish that on all present controverted issues, Mr. Curtis had chosen to gather and array the facts, all the facts, and there paused. The book, therefore, so far as the author's work goes, gives the careful reader a strong sense of disappointment, not to say grief. Its incompleteness is by no means its chief lack. It is named *Constitutional History*, and the title is a misnomer. It is put forth as the sequel and complement of the former work of 1858 republished in the single volume of 1889, and it proves to be not of a piece with that very meritorious work. It appears with all the interest belonging to a message, so to speak, of one who was greatly and justly revered by family and by friends; but it is impossible to think it will increase, if it does not lessen, his esteem as a writer and scholar. It is pleasant, however, to remember that before this Mr. Curtis had done work which seems likely to put all who study our constitutional history under obligations to him for a long time to come.

The editor's appendix, forming so large a part of the volume, calls for remark. A considerable part of this matter is readily accessible on every hand, *e. g.*, the full report from Wheaton of the Dartmouth College case; (for any purpose appropriate to this volume, the text of the decision in the case of *Texas vs. White* would have been cognate and much more useful;) a part even is included in the appendix of the first volume; a part is plainly superfluous, *e. g.*, the full texts of the four official proclamations announcing the adoption of the last four amendments to the Constitution, occupying ten pages; another part is made up of documents whose interest is almost wholly personal to Mr. Curtis, *e. g.*, his



brief in the Dred Scott case, and his oration in Boston on July 4, 1862, an effort which met and still meets with far less than general approval. The analytical index to the Constitution, 43 pages, is merely copied, without credit, from the volume of the *Revised Statutes of the United States* of 1878. In the annotated copy of the Constitution, pp. 474-496, the editor has done good work in bringing the citations of cases down to a later date than those cited in the volume of the *Revised Statutes*; and at pp. 664-667 he has given a valuable classified list of cases, chiefly of still later date than those given in the annotated Constitution, though the value of the list would have been distinctly enhanced, if it had not been limited strictly to decisions in the United States Supreme Court. Valuable and authoritative decisions on points of constitutional law are by no means confined to cases in that court. The inclusion in this appendix of Judge B. R. Curtis's pamphlet, written in 1862, on Executive Power, pp. 668-686—a temperate, respectful, and preëminently able argument and protest of this great lawyer and jurist against the claims of executive power involved in the proclamations and orders of President Lincoln in 1862 regarding emancipation, suspension of the writ of *habeas corpus*, and arrest, under executive warrant alone, of citizens of loyal states charged with treasonable practices—is to be highly commended. This remarkable monograph is not readily at hand, and it has value as well as fitness here.

The excellent bibliography of the Constitution, compiled by Mr. Paul Leicester Ford, pp. 708-750, with an added "Reference List," pp. 750-766, closes the appendix, which is followed by a good index to the whole volume.

The volume may well direct attention to what we think is now most needed in the field of our constitutional history. The need is not forensics or dialectics, not rhetoric or polemics; we have enough of these. The time has come, or it is near, when a competent hand should give us, —what does not now exist,—a really thorough and satisfactory, if not final history of the course of our life as a nation under our Constitution, especially its beginnings. Such a work, of course, must cover much that antedates the Constitution; in truth, this is perhaps the most fascinating, if not the most important part, as it is the part on which great divergences of views still exist, as shown especially in the recent works of Mr. Hannis Taylor and Mr. Douglas Campbell. But the field which covers only the one hundred and ten years since the meeting of the convention of 1787 calls for fresh and more thorough explorations, for original studies dealing with the separate topics, phases and forces of the great growth. Some work has lately been done on these lines; much is now in hand among our scholars; much remains to be taken in hand. Myths and legends have already enshrouded the events and actors in our early national life, but as Washington, for example, is gradually emerging under the touch of reality and scientific historical study from the mists which have enwrapped him so heavily, and is becoming a flesh-and-blood man, the true figure as he looked to those who saw him at close range,

and grows under the process a more impressive character ; so the coming historian of the Constitution may, by the scientific study of the facts—putting aside arguments, hypotheses, preconceptions, traditions and the mere authority of great names, tending this way or that—develop, put together and present to his generation the true outlines and courses of this, the latest and most important movement and effort to secure liberty under democracy.

D. H. CHAMBERLAIN.

*The Suppression of the African Slave Trade to the United States of America, 1638-1870.* By W. E. BURGHARDT DU BOIS, Ph. D. [Harvard Historical Studies, Vol. I.] (New York, London and Bombay : Longmans, Green and Co. 1896. Pp. xi, 335.)

THE present volume is the first number of the *Harvard Historical Series*, published under the direction of the Department of History and Government of Harvard University out of the Henry Warren Torrey Fund. It is announced that the series will “comprise works of original research selected from the recent writings of teachers and graduates” in this department of that university. The series will also include collections of documents, bibliographies, reprints of rare tracts, etc. While the volumes will appear at irregular intervals it is hoped that at least three will be published annually.

Dr. Du Bois begins his work by a brief summary of the rise and fortunes of the English slave trade. The characteristics of the three classes of American colonies, the planting, the farming and the trading, are traced and the laws passed by each regulating or limiting that trade are summarized. It is worthy of note that while the English slave trade has its origin before the foundation of the American colonies it was principally towards these that it was directed. The trade did not prosper at first. By the Assiento of 1713 the English commercial classes secured for themselves the exclusive right to import slaves into Spanish America ; although the importations were large, about half going to the Spanish colonies, the Royal African Company became bankrupt, being a debtor to Spain and a recipient of English bounty. The colonies, as a rule, thought slaves necessary for the development of their natural resources. The necessity of the trade was an unquestioned axiom in England, and that the mother country, in her efforts to promote her own trade, was willing to sacrifice her colonies to the incubus of slavery her instructions to royal governors to encourage the Royal African Company and her disallowance of prohibitive duties will clearly testify.

But it must be admitted that the restrictions put on the trade by the colonies were uncertain in character and varying in amount. As early as 1698 South Carolina became uneasy at the great increase in the number of slaves and tried to counteract their influence by a special law to encourage the immigration of white servants. One of the favorite methods was by a duty which decreased importation and at the same time brought



a revenue into the public coffers. The reasons for restriction were different in different colonies. The fear of servile insurrections was none of the least. Toussaint L'Ouverture and the Haytian revolution had a marked effect at the time and caused the Southern states to shun contact with West Indian negroes like the plague.

In the middle, or farming colonies, slavery had less chance for development on account of climate, physical characteristics and the circumstances of settlement. The chief restrictions here were that slavery did not pay, and "the shrewd business sense of the traders, who never flooded the slave market, but kept a supply sufficient for the slowly growing demand" (p. 19). In New England the system had "no economic justification, and the small number of negroes here furnished no political arguments against them. The opposition to the importation was therefore from the first based solely on moral grounds with some social arguments, . . . but it was swept away by the immense economic advantages of the slave traffic to a thrifty seafaring community of traders" (p. 38). This spirit appears plainly in the debates in the Constitutional Convention and the later debates in Congress. It was in New England alone that the commercial circle was complete: "Owners of slavers carried slaves to South Carolina, and brought home naval stores for their ship-building; or to the West Indies and brought home molasses; or to other colonies, and brought home hogsheads. The molasses was made into highly prized New England rum, and shipped in these hogsheads to Africa for more slaves. Thus, the rum-distilling industry indicates to some extent the activity of New England in the slave trade" (pp. 28-29).

The Quakers, not only of the northern and middle colonies, but of the southern as well, were leaders in the early efforts against the trade. The Germantown protest was issued as early as 1688. The Philadelphia yearly meeting advised against the importation of negroes in 1696; slaveholding was made a disownable offense in 1770 in New England and in Pennsylvania in 1776. The Virginia Quakers opposed the trade as early as 1722. In 1758 it became the leading question in the North Carolina yearly meeting. In 1768 this meeting forbade its members to trade in slaves; two years later it stood with the Virginia Quakers in supporting the protest of the Virginia Burgesses against the trade, addressed to the throne of Great Britain; and in 1777 was ready to enter into a contest with the state of North Carolina over the right of the individual owner to give freedom to his slaves. Their efforts did not cease when they had cleared their own skirts of the system, but in the next generation they produced the editor of the first paper to demand immediate and unconditional emancipation and the organizer, as well as the president, of the Underground Railroad.

But there could be no essential unity in these early efforts against the trade. The fusing fires of a great struggle were necessary to give impulse to a common action. This impulse came with the outbreak of the Revolution. From this time the question becomes a part of the history of the

United States and loses much of the freshness and interest which characterizes the early pages of the work. The action of the Constitutional Convention and the influence of the Haytian Revolution are treated. The debates leading up to the congressional act of 1807 are traced with care, but with a minuteness that leaves a painful impression of the dryness of our legislative annals. The author frankly confesses that in this period "the strong anti-slavery men, like Bidwell and Sloan, were outgeneraled by southerners, like Earle and Williams," and it is interesting to note that some of the strongest supporters of southern rights, like Baldwin, of Georgia, and Williamson and Martin, of North Carolina, were northern men by birth. The act of 1807 was followed by various attempts at the suppression of the illegal trade then carried on. Many punishments were proposed, but seldom were slavers condemned and it was still more seldom that the trader suffered, all of which was aptly summarized in the words of Macon, who said: "In adopting our measures on this subject, we must pass such a law as can be executed" (p. 98).

Perhaps the most interesting chapters in the book are those on the rise of the cotton kingdom and the final crisis. In these Professor Du Bois discusses briefly the rise of those agencies in the manufacture of cotton which made the great growth of the Southwest in the first half of the century possible and linked the fortunes of slavery with the world's cotton market. The tendency was developing under which the patriarchal serfdom of the founders of the republic began to give place to an industrial system, but this movement was, perhaps, not so far advanced as the author supposes. The South was still, to a large extent, isolated and in such sections the planters lived in an economic independence that had felt little change since the days of the first colonists; with the advance of railroads, and the centralization and specialization of industries, the character of slavery began to change.

From the time when the slave trade became unlawful in 1808 there was more or less of illicit business carried on; the vessels engaged were owned largely in New England and New York and were aided by English capital. Before the attempts at suppression by the United States had scored much success the matter grew into an international question, and other nations—notably England, who had been the leading spirit in organizing the traffic in the seventeenth and eighteenth centuries—espoused the cause of freedom and pushed suppression so much more vigorously than the United States that in time the American trade "came to be carried on principally by United States capital, in United States ships, officered by United States citizens, and under the United States flag" (p. 162). The trade increased between 1850 and 1860 and became more bold. New York City was headquarters for the fitting out of slavers and it was said that down-town merchants "of wealth and respectability are extensively engaged in buying and selling African negroes, and have been with comparatively little interruption for an indefinite number of years" (p. 179). The anti-slavery advocates made numerous efforts to amend the laws, to make them more severe, and to put them into



execution, but they were not often well executed, the reasons for the failure being many. The searching of American vessels by British ships complicated the situation.

Dr. Du Bois points to the records of the commercial conventions as illustrating the fact that the states of the slave-consuming cotton belt were in revolt against the base of their labor supply as represented by the border states, but were prevented from active hostilities as they could do nothing without the latter. There was among the former a desire for cheap labor and this was to be obtained by a reopening of the slave trade. Opposition to this movement was found in the border states and to a less extent in the cotton states. The opinions of this minority are well put by Pettigrew in his Minority Report to the South Carolina Legislature in 1857, a document which the author does not appear to have seen. The argument for reopening the trade, he says, was that the South must have a monopoly of cotton production, but the price of cotton was high, which would encourage production elsewhere. To hold this monopoly there must be cheaper cotton; this meant cheap labor, and the importation of Africans. To this argument General Pettigrew replied: The slave trade would reduce the price of domestic slaves; cheap negroes are a weakness and not a strength to the system, and they do not necessarily mean cheap labor, for the American negro, three removes from Africa, is worth at least one half more than a native African and the increase of labor would be by no means proportionate to the number of laborers; the only persons benefitted by cheap cotton would be the manufacturers, and to reduce the price of the cotton then produced by 4,000,000 slaves by one-half would require the introduction not of that number of new negroes, but of ten and two-ninths millions.

As to the causes of the final suppression of the trade, the author says rightly that the moral movement was of limited value; "An appeal to moral rectitude was unheard in Carolina when rice had become a great crop, and in Massachusetts when the rum-slave-traffic was paying a profit of 100 per cent." (p. 195.) The political efforts were partly the outcome of reprobation and partly of expediency, but these acts "were poorly conceived, loosely drawn and wretchedly enforced." The economic movement had best chances of success but was least tried.

The appendices occupy more than a third of the volume and are by no means the least important part. In fact, they reproduce in brief a large part of the materials on which the narrative itself is built. One appendix presents a chronological conspectus of colonial and state legislation restricting the African slave trade, 1641-1787. A second shows state, national and international legislation, 1787-1871; another gives typical cases of vessels engaged in the American slave trade. It is not intended to list here all known cases, but to illustrate merely the character of the trade, licit and illicit, to the United States. Appendix D gives a bibliography of colonial laws and a list of United States documents bearing on the subject, the former arranged by states, the latter chronologically. These are followed by a general bibliography representing the reports of societies, personal narratives and other materials.

Barring the use of a few adjectives here and there that characterize the advocate rather than the historian, the book is a valuable review of an important subject. It shows an immense amount of faithful and diligent work in gathering the sources from many directions.

*A Critical Study of Nullification in South Carolina.* By DAVID FRANKLIN HOUSTON, Adjunct-Professor of Political Science in the University of Texas. [Harvard Historical Studies, Volume III.] (New York: Longmans, Green and Co. 1896. Pp. ix, 169.)

THE full understanding of our national development would, it has been said, be signally promoted by the issue of carefully prepared monographs dealing with the history of the several states in times since the Revolution. The third volume of the *Harvard Historical Studies* is such a monograph, and shows the value of the suggestion by the light which it throws upon an important episode in the history of South Carolina and the United States. Doubtless many of Professor Houston's readers will be surprised to learn that he was until recently a South Carolinian, for local prejudice, which might be anticipated, finds no place in his pages. Lack of perspective and other monographic defects are skilfully avoided, and the result is a plain, straightforward narrative, in lucid and interesting style, of events in which all students of American history are interested.

The first two chapters form an introduction to the real subject of the study. In the first the early attitude of South Carolina towards the bank, internal improvements and the tariff is discussed; the second contains the author's interpretation of the history of the constitutional theories involved in the nullification controversy and of the attitude of South Carolina toward them. Chapters III.-VII. inclusive deal with the causes of nullification, the formation of the nullification party and the history of the movement down to the repeal of the Ordinance in 1833. In the final chapter the author states the results of his study. Seven appendices give important documents and a list of authorities.

The introductory chapters are not written in the judicial spirit and with the attention to details which characterize the remainder of the book. Here the author appears more anxious to adduce evidence in support of opinions bearing the sanction of great names than to form independent conclusions. The first chapter consists in large part of excerpts from speeches made in Congress by the representatives of South Carolina; the conclusion to which these quotations lead is that Calhoun had so committed himself to the policy of protection in 1814-1816 that he could not at a later period, with any sort of consistency, doubt its constitutionality. This exaggerates the extent of his committal to the policy and fails to give due consideration to the explanation offered by Calhoun and his friends. The author appears so taken by forms of expression that he fails to perceive the real object which Calhoun had in view. An analysis of the whole speech, of which a few sentences are



quoted on p. 11, puts the question in its true light. The long exordium, occupying four pages of the *Annals of Congress*, urges the necessity of providing means for defense against a possible renewal of the war with England; six measures are advocated for that purpose; one of them is a protective tariff that will encourage the production of war supplies. A careful analysis and comparison of Calhoun's earlier and later constitutional opinions will show that the change which took place between 1816 and 1828 has been greatly exaggerated; if under the Constitution a measure may be justifiable for one purpose and not for another, there is no occasion for charging him with inconsistency because he advocated protection as a means of defense in 1814-16, and pronounced it unconstitutional as a regulation of commerce in 1828.

In his treatment of the constitutional questions involved in nullification, Professor Houston shows that he is entirely free from South Carolina traditions by accepting, as historically correct, the extreme national theory respecting sovereignty. The second chapter is an argument to show "that the states were not, when the Constitution was formed, and never had been, separate and independent sovereigns" (pp. 17-18). In support of this proposition the *Federalist*, Madison and the Pinckneys in the Federal Convention, and C. C. Pinckney in the South Carolina Convention, are cited. In evidence of so strong a statement the reader expects either an unequivocal assertion of the principle laid down or implication too plain to admit of denial; none of the passages cited in the *Federalist* belong to either category. It may be readily admitted that the spirit of the *Federalist* is opposed to the conclusion reached by the nullifiers and secessionists; but to assert that it positively refutes the fundamental proposition of their arguments overstates the case. From a speech by Madison this sentence, *inter alia*, is quoted: "The States never possessed the essential rights of sovereignty" (p. 18). But the sentence in this form is from Yates's minutes; Madison's own report reads differently, and puts the matter in its proper light: "He pointed out the limitations on the sovereignty of the states, *as now confederated*." The Pinckneys are represented as scarcely able to find language strong enough to express their condemnation of the doctrine that the states were separately and individually sovereign (p. 26). This is certainly an overstatement; earnest approval of a strong national government was as far as they went in the convention. The bold declaration of C. C. Pinckney in the South Carolina Convention (pp. 26-27) is used with telling effect; but to this one who is still unconvinced is likely to retort: What of Madison's striking statement to the opposite effect in No. 39 of the *Federalist* and in the Virginia convention or of the Federalist pamphleteer in Pennsylvania who explained that the Constitution did not need a Bill of Rights because it was formed by free, sovereign and independent states? A more discriminating interpretation of the debates over the Federal Constitution is that which takes account of all the arguments that may be adduced upon either side and concludes that indecision upon the question of sovereignty was the price paid for ratification.



The remaining chapters deserve strong words of approval, for much hitherto unused material is skillfully handled and made to yield important results. The thesis that Calhoun did not lead, but followed, the people of South Carolina is clearly proven; among the causes for nullification, economic conditions receive proper consideration in the abundance of proof that the distress of the state was due less to the tariff than to slavery and the low price of cotton, brought about by overproduction. The importance of the Union party and the part which it played in the struggle are given due prominence. Among the appendices the recently discovered letter written by Calhoun in 1824 is worth careful perusal.

FRANK MALOY ANDERSON.

*The History of the Last Quarter-Century in the United States, 1870-1895.* By E. BENJAMIN ANDREWS. (New York: Charles Scribner's Sons. 1896. Two vols., pp. xxiii, 395; xxii, 439.)

PRESIDENT ANDREWS, in these two sumptuous volumes, must perforce give every reader a vivid impression of the picturesqueness and variety of the events that the annals-writer finds ready at hand for inclusion in a narrative history of the United States since the close of the civil war. This past quarter-century of American life has witnessed a marvellous economic expansion. The economic conquest of our western empire had, indeed, begun before the war, and its processes had forced to a test the issues that the war decided. But the war itself, despite its prodigal sacrifice of economic resources, developed a volume of potential energy that,—given a sufficiently large outlet,—could but compensate the loss many times over. The continent was forthwith crossed and recrossed with numerous lines of railways. Two or three millions of young men who had been disciplined and trained in the school of war had come forth with ambition and efficiency tenfold increased. The war had been destructive of men, also, but it had not lasted long enough to exhaust the vitality of the nation. On the contrary it had acted as a magical tonic. The triumph of the Union, with the enactment of the homestead law and the accessibility of the public lands by reason of the construction of the network of trans-Mississippi railways, had, in turn, acted most powerfully upon the imagination of the artisan and peasant classes in Europe. The Western states established immigration bureaus, and vied with the railway and steamship companies in promoting the transfer of population from Germany, Scandinavia and other European countries to the new states and territories of our West. The Franco-Prussian war and the increasing rigors of the military régime in Europe accelerated the movement that enlisted mighty fleets in transporting millions of people to our side of the Atlantic. Most of these new comers brought with them a certain degree of industrial skill and some capital. Such a period of migration seemed to the dominant party an auspicious time for

forcing, by discriminative tariffs, a rapid development of American manufacturing interests. Enormous volumes of European capital were borrowed, with which to build American railways, to develop Western agriculture and to assist in the occupation of the desirable American markets by American manufacturers.

At the same time it was inevitable that political conditions should be turbulent. The readjustment of the South must in any case have made some chapters of instructive political history, even if the race question had not survived the war in changed forms. The party which had prosecuted the war must, in the very philosophy and logic of the case, have held too strenuous a subsequent course, making reaction inevitable. The re-alignments of party, therefore, must have involved an interesting process which would claim due attention from the historian. Moreover, the political as well as the economic problems of the new commonwealths of the West must have been a noteworthy factor in contemporary history-making.

For the serious student of history, therefore, the test which such a work as that of President Andrews must meet is the adequacy with which it recognizes the essential factors of the period under discussion, and the faithfulness and accuracy with which it presents the significant facts in their due relationship and proportion. A picturesque grouping of incidents the author has certainly given us. His materials were brought together primarily for publication in serial form in a popular magazine; and events and circumstances were so grouped as to give each succeeding monthly paper its due quota of dramatic episodes. Of the liveliness, variety and high colors of the pattern one should have no need to complain, if the web itself were of firm and consistent texture. But when tested with reference to its fundamental qualities the work seems disappointing. President Andrews gives us, in his second volume, for example, a spirited description, heightened in effect by the numerous accompanying pictures, of the "boomers" who settled Oklahoma in a day. But one searches the volumes in vain for any presentation whatever of the national land policy, and the colossal progress of events under that policy, which constitute the most important history-making factor of the quarter-century under discussion. Nor is there any account given, except by incidental references, of the immigration movement which has brought into this country since the civil war almost fifteen million people, who, with their children, now constitute probably one-third of our total population. Such a *Volkswanderung* has hardly a parallel in the history of Aryan migrations. The significance of all this is primary and fundamental in a rightly proportioned study of the recent history of the United States. Yet this supreme factor is assumed rather than discussed by President Andrews, who nevertheless finds space to devote some pages to the "Coxey army" march, an incident that obviously gives a good opportunity for the illustrator. And whereas one finds no account of the allotment of public lands to millions of families who have in this quarter-century erected new farming commonwealths, made themselves a dominant factor in the world's food supply, and thus profoundly affected agrarian conditions in

every part of Europe as well as in India, in Australia and in South America, one finds a number of pages devoted to the explanation in detail of the beginnings of our system of allotting lands in severalty to the red Indians.

Since President Andrews' narrative deals preëminently with American politics, and since in American politics the struggle for administrative reform belongs so essentially to the main movement of our recent history, one is disappointed to find this movement for civil service reform in its broad bearings so subordinately treated. Another of the great themes that the philosophical historian must discuss when this period is viewed from a distance great enough to allow proper perspective, must be the unprecedented rise and amalgamation of capital, and the relation of amalgamated capital to government as regards for instance the protective tariff, the land-grant railways, the anti-monopoly and anti-corporation movements in the Western states, the rise of Populism and its dominance in a number of commonwealths in the West, the relationship of various quasi-public corporations to municipal government, and the general attitude of public opinion and of law-making bodies towards trusts and industrial combinations. To those cases where capital has come into sensational collision with labor, as in the great Pittsburg strike riots and the more recent Chicago railway strikes, President Andrews gives much space, and the artists supply an abundance of pictures. But the remarkable absorption since the war of nearly all the best talent of the country in private enterprises, and the accumulation of wealth at the expense of the real dominance and dignity of government, a condition so essentially characteristic of the period since the war, Mr. Andrews does not treat with the lucid presentment one might hope to discover in his volumes. The Tweed episode in New York, the Kearney riots in San Francisco, the Cincinnati riots of 1884, and like disorders in other towns, are recalled in pages of graphic descriptive writing, with much attention to the personal and dramatic details. But the larger story of municipal life and progress in the past quarter-century is not told in these pages. The beginnings of the Woman's Christian Temperance Union in southern Ohio and its novel incidents are recounted in details that seem to us trivial; while the prohibition movement as embodied in the constitutions and statutes of a number of states is wholly ignored.

It is not then in the more serious sense a history of the past quarter-century that we find in these volumes, but rather a recital of stirring incidents and events which illustrate the movement of these recent times. Mr. Andrews' style is terse, forcible and graphic. There is not a diffuse page in either volume, nor a dull line. In a work devoted so largely to an account of individual men and their public actions, President Andrews has held a rare balance of judgment and has shown good temper and due reserve. He has used the utmost care to state controverted questions fairly, and to do justice to the motives of men whose attitudes and actions evidently do not accord with his own views. It would be nothing less than justice to President Andrews to explain that he was,



clearly enough, not attempting a philosophical survey of the history-making factors of the period. Otherwise, for example, so distinguished an educator would not have failed to give a large space to the progress of American schools and universities. For surely in a well-proportioned history, the progress of education would deserve as much consideration as the World's Fair ; yet the remarkable advances of our educational life and the important bearing of school and university upon public opinion and social ideals have no part in the history ; while the Columbian exhibition at Chicago, particularly its architectural features, claims more space than any other subject in the two volumes, with the possible exception of the negro question in the South.

With all its shortcomings, President Andrews has given us a bold, rapid and electrically vivid narrative. It can be most advantageously used, perhaps, in connection with a study of our social and political life based, for example, upon the second volume of Mr. Bryce's *American Commonwealth*. Whereas Mr. Bryce reviews our institutions as he found them on various inspections throughout the same period covered by Mr. Andrews, his use of incidents and personalities is always kept subordinate to his description and analysis of general conditions. Mr. Andrews, on the other hand, almost wholly subordinates general considerations and gives us a series of concrete pictures, the men and the scenes in his panorama advancing in the chronological order, so far as conditions of dramatic grouping will permit. To many readers, such a narrative as this, when once presented, seems an extremely simple and easy performance that almost any writer could achieve, with the help of the annual cyclopedia, a file of *Harper's Weekly*, and a moderate assortment of newspaper clippings. Nothing could be further from the truth. The difficulty of selection is great ; and the power to present dramatically the incidents which illustrate in a representative sense the course of public affairs, is a gift that few men possess. Mr. Andrews has blazed a path through an immeasurable wilderness of materials ; and future travellers will find his "trail" useful and valuable to them at many points.

It is just to add, moreover, that there belongs to President Andrews' work one quality of its own that would give it value far above that of any merely diligent compiler and clear narrator who might attempt to weave a like narrative with the aid of the annual cyclopedias and the newspaper files. This superior quality, it is almost needless to remark, is that which President Andrews supplies in his capacity as a contemporary observer. He is himself at once a scholar and a man of action, a political reformer, a keen discernor of the signs of the times, a participant in the movements of the day no less than a student and on-looker. He is a representative of the best-trained and most disinterested element of the American citizenship of the period which he discusses. Everything described in these volumes has happened within the period of his own personal recollection, and has, of necessity, made at the very moment of its occurrence a strong impression upon his mind and judgment. President Andrews has endeavored with much apparent success to eliminate the

personal equation. But after all he could only tell of events as he saw them, in the light of his own training and preconceptions. Its very lack of controversial tone will in the end make his work the more valuable for its point of view. Its omissions, no less than the matters which it comprises, and those which it particularly emphasizes, will have significance fifty years hence as helping to show how history seemed unfolding before the eyes of an intelligent and disinterested American who was in the prime of his active life in the turbulent period of high dynamics that followed the civil war. As compared with Mr. Justin McCarthy's method in his *History of Our Own Times*, President Andrews' narrative is less elaborate and less ambitious, whether from the philosophical or the literary standpoint; but the American work is more tense, vital and dramatic. It is by no means to be dismissed as a work of small importance. On the contrary it is both a remarkable and a creditable exploit. The average citizen will read it with avidity, and the student will find it most convenient by reason of its rapid and consecutive survey of a period so recent that hitherto there has been no attempt to mark it off with historical guide-posts.

ALBERT SHAW

*The Story of Canada.* By J. G. BOURINOT, LL. D., Clerk of the Canadian House of Commons. [The Story of the Nations.] (New York: G. P. Putnam's Sons. 1896. Pp. xx, 463.)

THIS volume is on the whole no discredit to the *Story of the Nations* series. The author has had his work conditioned for him very largely, and his critics are precluded from scrutiny along some of the main lines of historical requirement. The book will probably increase Dr. Bourinot's reputation as a ready popularizer; he can hardly expect it to add to his claim as an historical student. No addition is made in it to our knowledge or to our insight; beyond some well-used citations from the early French explorers, but slight evidence of independent research is presented either in text or footnote. As a popular statement, however, the book will be useful. The secondary authorities have been industriously used, the arrangement is fairly good, the illustrations are well selected, the style is in the main easy and direct, the tone moderate and just.

The distribution of this narrative is however frequently ill-advised. Two-thirds of the historical portion carries us only to 1760; a disproportion due mainly to the fact that the first fifty pages barely cover a period to which the voluminous Kingsford gives only twenty. Chapter VII., which sketches the Acadia of 1614-77 in about the same space as had in Chapter V. been devoted to the period 1604-14, is mainly occupied with unimportant details of the unimportant struggles between Charnizay and La Tour. Eighteen pages are devoted to Indian tribal conditions, while only eleven are assigned to a description (necessarily most superficial) of the social and institutional characteristics of Canada throughout its whole life as a French royal province (1663-1759). Entirely too much space,



relatively speaking, seems given to a conventional statement of the activities of the French beyond the limits of Canada proper; while the meagre five pages that are given to the important and obscure years, 1792-1812, are explained but not justified by the statement that this period "does not require any extended space in this work" (p. 309). Finally it seems to the present reviewer a fundamental defect to stop the book historically with the Confederation of 1867. This the author explains by saying, "It is not proposed to enter into the conflicts of political parties or to review those dominion and provincial questions which make up the politics of Canada" (p. 406). While granting the wisdom of this abstention, it might be suggested that these things do not exhaust Canadian history since confederation. A generation has passed since that event; have its energies been entirely absorbed in political squabbles? Dr. Bourinot should further have remembered that it might possibly be held that "the development of the Canadian people as a nation," which he asserts as his main theme (p. 408), is to be sought for, if anywhere, since confederation rather than before; that in regard to national life proper the Canadian provinces before confederation occupy much the same position as do the thirteen original colonies before the Revolutionary War.

It is doubtless difficult to avoid giving wrong impressions in a book of this kind and size; such a wrong impression will most certainly be given the average reader by the curious reference (p. 194) to the Jesuits and the Indian brandy trade. That the statement (p. 89) in regard to the treaty of St. Germain-en-Laye (viz., that Charles I., on account of the grant of Acadia to Sir William Alexander, "delayed the negotiations for peace by every possible subterfuge"), is mistaken is shown by the official correspondence on the subject (*Calendar of State Papers, Colonial*, 1574-1660. Also, *Report on Canadian Archives*, 1884, pp. xi-xiv, lx-lxii); Mr. Brymner seems justified in saying rather that "Every effort was made, but in vain, to shake the King's resolution" to restore Quebec and Acadia. The treatment of the expulsion of the Acadians (p. 231-6) is praiseworthy for its temperate tone; it cannot, however, be commended as otherwise satisfying. The assertion that Lawrence acted "no doubt at the instigation of Shirley and the authorities of New England" seems to be entirely unwarranted; the conclusion that "The responsibility must rest mainly on Gov. Lawrence, and not on the imperial government, who never formally authorized the expatriation," is extremely weak if not shifty. How little the imperial authorities could have been taken by surprise is shown by the fact that more than a year before (in August, 1754) Lawrence had recommended the measure to the Lords of Trade, with the remark that he would not think of adopting it without their approbation. A reference to the *Calendar of Nova Scotia state papers* (*Report on Canadian Archives*, 1894, pp. 206-13) will show that this approbation was expressed by the Board clearly enough after the event, if not before; their Lordships going even to the extent of expressing regret that the expulsion had not been more thorough (March 27, 1757). Further, when

on November 26, 1755, the Lords of Trade sent to the War Office the letter of the previous October 18th in which Lawrence had announced the expulsion, they at the same moment recommended his promotion to be captain-general and governor-in-chief of the province; a mark of unequivocal approbation which became a governmental one when, on the December 22d following, his commission to these offices was ratified by the ministry. The candid historian will hardly look for more "formal" approbation than these facts imply.

On minor points there is no space to linger further, and I pass to a fault of a more vital character. The *Story of the Nations* series undertakes, in the words of its prospectus, "to enter into the real life of the people and to bring them before the reader as they actually lived, labored and struggled." Viewed from this standpoint the present volume is woefully defective. The Canadian *people* do not figure in any adequate way in these pages. We learn here practically nothing as to their origin, characteristics or development. For the sketches of modern conditions which make up Chapters 28 and 29 are a poor substitute for that steady light upon popular development toward which modern historical scholarship strives. It is perhaps scarcely fair to expect from our author work for which no sufficient monographic basis has yet been laid; but yet enough has been done to have enabled Dr. Bourinot to show something of the real growth of the main elements of the people, their racial and historical equipment, their special environments, their social and economic development. Here was an opportunity (even in a *Story* series) for the man who really understood the depth and breadth of the national current, its composition, its direction, its velocity; unfortunately it was a task for which our author's training, tastes and environment did not fit him. We have here in consequence a volume which, though with distinct merits in its class, is after all of but limited and temporary value.

VICTOR COFFIN.

*A Handbook of Greek Constitutional History*, by A. H. J. Greenidge. (New York: The Macmillan Co. 1896. Pp. viii, 276.) The purpose of the author is "to give in a brief narrative form the main outlines of development of Greek Public Law, to represent the different types of states in the order of their development, and to pay more attention to the working than to the mere structure of constitutions." The plan and scope of the work as thus stated are admirable; and especially commendable is the inclusion of a chapter on federal governments. But the defects of the treatise as it stands are so serious as to impair greatly its usefulness. The language is often awkward and obscure, and the arrangement of words faulty. The work contains some wrong or at least ambiguous uses of words, some obvious misstatements of fact, and a multitude of inconsistencies. Indeed, the point of view so constantly shifts that the reader is justified in concluding that the author does not know his own mind. But more to be regretted than awkwardness and



inconsistency is the fact that the author has no correct conception of Greek constitutional development. By his own arbitrary treatment he creates a situation which he cannot explain, and then calls it miraculous. His use of sources is uncritical. In general any source is good enough for him, provided it is Greek; but in his treatment of Chapters I.-IV. of Aristotle's *Αθηναίων Πολιτεία* he goes to absurd lengths of scepticism. Chapter V. is, in his opinion, a "prophetic anticipation of the political refinements of a later age." In the same sentence it is a "political forgery" of the fifth century, and a few pages later the author draws material from it for his reconstruction of the Solonian Constitution! The author's interpretation of sources is superficial. He has a careless and happy way of reaching conclusions not at all warranted by the passage on which he relies,—he says "we are told," when in reality we are not told. Many illustrations of the faults here mentioned might be given, but space forbids. There are reasons why the constitutional history of Greece should be studied in this country, but the subject will not commend itself to the American teacher through the shipshod, inaccurate and perverted treatment which it has recently been receiving in England. In order to make his work equal to the best that is being done in the same field in Germany, the author should study better historical methods of research, more careful interpretation of sources, and greater clearness and consistency in the presentation of results.

G. W. B.

Of *The History of P. Cornelius Tacitus*, translated into English with an introduction and notes, critical and explanatory, by Albert William Quill, M. A., (London, John Murray and Longmans, pp. lxxii, 171, xlix, 290), the second volume, completing the work of which the first volume appeared in 1892, is now before us. The task undertaken by Mr. Quill was not an easy one and yet the result of his conscientious study does credit to English scholarship. Both volumes contain elaborate introductions and extended notes which show not simply a thorough acquaintance with the latest literature upon the subject, but also independent views on many important passages. This is not a work of genius like Munro's *Lucretius*. While Mr. Munro has admirably reproduced both the force and the grandeur of the poet, Mr. Quill has succeeded far better in catching the nervous energy and vigor of the historian than in reproducing his noble dignity and elevation of style. In striving to preserve the vigor of Tacitus the translator often lowers the tone and lessens the dignity of the original. He renders *exosculari* "beslaving" (I, 45) and *volgus inprovidum* "a crowd of boobies" (III, 20). In other cases he introduces figures which are inappropriate, as when he translates *pretium* "quarry" (III, 31), or such as are foreign to the Roman mind, as *bellum secuta* "followed . . . the Romance of War." Though the second volume displays a riper scholarship and a calmer judgment than the first, it does not differ essentially in its tone or general views. The author seems still to hold to the indefensible theory that the style of Tacitus is not the reflection of the age modified by his own individuality,

but that it is rather the result of his deliberate choice as an artist in word-painting, uninfluenced by the prevailing tastes of the times.

Of the three volumes issued by the Navy Records Society during the year 1896, the *Journal of Rear-Admiral Bartholomew James, 1752-1828*, (pp. xxvi, 402), edited by Professor J. K. Laughton, has a certain interest for students of American history because James had a part, as a young officer, in the naval operations attendant on the American war. His journal comprises notes especially on naval movements around New York at the time of the battle of Long Island, and a much fuller account of movements in the Chesapeake and its rivers at the time of Arnold's expedition, and of the siege of Yorktown, in which James had a part both on sea and on land. But the journal, truth to say, contains no new information of importance on any of these episodes. Its interest lies simply in its picture of naval life under the conditions then prevailing. The same is true, indeed, of the rest of the narrative. Cruises and captivity in the West Indies, merchant service in the interval between the war which ended in 1783 and that which began in 1793, various services from that date to 1798, chiefly in the Mediterranean, and concluding with the adventurous cruise of *El Corso*, are related in a sprightly and entertaining manner, but without much positive addition to our knowledge of any other matters than life in the old navy. The introduction and notes are meagre. Of much more importance is the second volume issued by the Society (pp. lxxxiii, 419), containing John Hollond's *Two Discourses of the Navy*, 1638 and 1659, together with a treatise of the same title written in 1660 by Sir Robert Slyngesbie. Hollond was a naval official who had had fourteen years' experience in the admiralty when he wrote his first discourse, and twice as many at the time when he gave his final revision to the second. In especial he was, from the beginning of 1649 to the end of 1652, one of the five commissioners of the navy, the most important of the official bodies concerned with the administration of the navy during those years. Hollond was an able and intelligent official as well as an experienced one, and honest in the main, though not so free from the taint of corruption as one should be who writes two treatises on the admiralty business abounding in harsh censure of the peculations committed by others. The two discourses are, nevertheless, highly interesting and important to the student of naval administration under Charles I. and the Commonwealth. The second, which was (finally) addressed to James, Duke of York, Lord High Admiral, is of especial value, being more extensive and systematic than the first and better written, and also relating to a period of naval administration marked by success and by naval glory to a greater extent than any preceding time. Sir Robert Slyngesbie's tract is of less consequence, but forms a useful complement to those of Hollond, since its author, who, at the Restoration, was made comptroller of the navy, was a gentleman, a naval officer and a constant Royalist, while Hollond was a plebeian, a civilian and (during the time of the Commonwealth) a Commonwealth-



man. The volume is admirably edited by Mr. J. R. Tanner, fellow and historical lecturer at St. John's College, Cambridge. His learned notes give all needed help in the understanding of treatises somewhat technical, and his introduction, beside full accounts of the lives and characters of the two authors, presents an interesting survey of the other leading tracts written in criticism of the naval administration of England in the first half of the seventeenth century. The Society's third volume is edited by Mr. M. Oppenheim, whose *History of the Administration of the Royal Navy* may be expected to be noticed in our next number. The volume before us, entitled *Naval Accounts and Inventories of the Reign of Henry VII.* (pp. lvi, 349), presents two bodies of accounts from the State Papers. One deals with the money received between 1485 and 1488 by Thomas Roger, then clerk of the ships, and his disbursements for the equipment of ships, their safe keeping in harbor, the payments for hired vessels, the administrative expenses of the office, and inventories of ships' tackle and gear; with this is given an account of the field train, ammunition and other ordnance stores, shipped to the north in 1497 for the use of the Earl of Surrey's army against James IV. The other set of accounts comprises those of Robert Brygandyne, clerk of the ships from 1495 to 1497, a period marked especially by the construction, at Portsmouth, of the first dry-dock in England, perhaps the first in modern Europe. Mr. Oppenheim, in his introduction, briefly summarizes the history of naval administration from Henry V. to Henry VII.

No. 5 of the *Publications* of the American Jewish Historical Society sustains the high standard set by the Society's earlier publications. The volume (pp. 234) opens with an account of the last annual meeting. Professor Morris Jastrow, jr., presents a collection of documents relating to the career of Colonel Isaac Franks, of the Revolutionary army, while Mr. A. S. W. Rosenbach illustrates, in a similar manner, the actions of Major David S. Franks while aide-de-camp to General Benedict Arnold. Dr. M. Kayserling, of Buda-Pesth, sends a brief essay on Rabbi Isaac Aboab, of Amsterdam and Pernambuco, the first Jewish author in America. But the most important papers are those of Dr. Herbert Friedenwald on materials for the history of the Jews in the British West Indies, with appendixes giving laws and other documents, and of Mr. Max J. Kohler on the Jews and the anti-slavery movement.

After 1745 Prince Charles Edward Stuart ceases to be a person of real historical importance, but he does not cease to be an object of interest. For a long term of years subsequent to his expulsion from France in 1748, moreover, his life has presented an additional element of interest because of the mystery in which his movements were, and have remained, concealed. Mr. Andrew Lang, in his *Pickle the Spy, or the Incognito of Prince Charles* (Longmans, 1897, pp. 342) seems to have dispelled this mystery. By the aid of the Stuart papers at Windsor Castle and of documents from British and Continental archives he has, with much art, laid bare in great

part the life of the prince during these years, a sorry existence, full of small manoeuvres, shabby expedients and unsavory companionships. While his father in Rome knew not where he was, and the British ministry were entertained with startling tales of romantic knight-errantry, the ex-hero was lurking (1749-1752) in secret chambers adjoining the rooms of too-devoted ladies in a fashionable convent in Paris. But the most remarkable part of Mr. Lang's book, and that which gives it its title, is his exposition of the career of a spy who, from 1752 on, revealed all Charles's secret movements and plans to Henry Pelham, brother of the Duke of Newcastle and prime minister of Great Britain. This spy, who wrote under the name of Pickle, is pretty conclusively proved by Mr. Lang to have been no less a person than Alexander Macdonnell of Glengarry, one of the most prominent and most trusted of the Highland chieftains. From 1752 to his death in 1761 his letters to Pelham are frequent and minute, and they are preserved among the manuscript treasures of the British Museum. He, with some aid from other spies and informers, saved England from another invasion; and he supplies us with a curious and unedifying picture of the surroundings and the degenerating character of Charles. One of the most surprising things about the whole matter is that Glengarry was in 1754 denounced to the prince as a traitor by the widow of Archibald Cameron, Lochiel's brother, whom Pickle had brought to his death. But, many as were the friends, more or less faithful, whom Charles successively cast off, his confidence in Glengarry was never shaken.

Mrs. Elizabeth W. Latimer's *Italy in the Nineteenth Century and the Making of Austro-Hungary and Germany* (Chicago, McClurg, pp. 436) hardly deserves mention here, for it does not properly belong among histories. It is one of those books which the specialist can read without harm, because he will have knowledge enough to detect the many errors; but the general reader, seeking for exact statement, had better let it alone. Mrs. Latimer has no sense of proportion, nor of the interplay of cause and effect. She gossips; she tries to improve on reality by exaggerating; she is satisfied with blurred half- or quarter-truths. Although her book is filled with generous extracts from many sources, she never cites the place and rarely the volume from which she takes. Often she does not even mention the author; so that you are left to decide, if you can, whether the witness she appeals to is a reliable authority or merely a newspaper. On opening her book at random, any page will bear out these strictures. Take p. 101 for instance. She says that for ten years Cavour's "family were glad to have him live out of Italy." The inference is that his family encouraged his absence from Turin. The fact is that he never lived out of Italy for ten years, nor even for a whole year consecutively. Between 1835 and 1844 he made several trips to France, usually on business connected with the estate of his aunt, the Duchess of Clermont-Tonnerre, and two to England. A few lines lower down Mrs. Latimer says that Cavour devoted himself to journalism in 1846; the fact is that the king granted freedom to the press only in October, 1847, and



that Cavour's newspaper, *Il Risorgimento*, did not appear until December 15, 1847. In the next line Mrs. Latimer states that in 1834 "he wrote to a friend that he hoped nevertheless some day to gratify all his ambitions, for in his dreams he saw himself Minister of Italy." The letter to which she refers was written October 2, 1832, and she has distorted its meaning; for in it Cavour gives as an example of his self-confidence, his having felt that he had talents adequate for the highest political office; but he adds that this was but a youthful dream, and that he realized that the conditions in which he was placed made it ridiculous for him to entertain it. The last paragraph in this same page, 101, contains an apocryphal speech of Charles Albert to Massimo d'Azeglio; it would have been easy to have quoted D'Azeglio's authentic description, since his book is one of the best known among all modern Italian books, and was long ago translated into English. We think that from this specimen page readers will be able to judge for themselves whether Mrs. Latimer writes history. We wish that she would refrain from making such illiterate blunders as *Austro-Hungary*.

The *Annual Report of the American Historical Association for the year 1895* is a formidable volume of 1247 pages. The last 570 pages consist of Mr. A. P. C. Griffin's useful bibliography of the publications of the American historical societies, reprinted with additions and revision from the annual reports of the Association in 1890 and 1892. He has ignored Vol. V. of the Association's own *Papers* (p. 679). The publication of this matter in a separate volume would have been more convenient for readers; yet, by the use of thin paper, the present volume has been made fairly manageable. Besides the Secretary's report and the inaugural address of Senator Hoar, President of the Association, on Popular Discontent with Representative Government, twenty-five papers are printed. It must be said that several of these papers are upon unimportant subjects; several bear traces of immaturity or are otherwise inadequate. Yet the volume as a whole makes a large and interesting contribution to historical knowledge. We shall especially instance Mr. Talcott Williams's careful investigation of the surroundings and site of Raleigh's colony, Gen. James Grant Wilson's edition of the recently discovered manuscript of Arent Van Curler's journal of his expedition into the Mohawk country in 1634 and 1635, Dr. B. C. Steiner's paper on the electoral college for the Senate of Maryland and the nineteen Van Buren electors, Dr. S. B. Weeks's extensive study of the libraries, public and private, and of the literature of North Carolina anterior to 1800, Mr. Martin I. J. Griffin's paper on Commodore John Barry, Professor Charles L. Wells's discussion of Napoleon's Concordat of 1801 with Pope Pius VII., Professor H. L. Osgood's essay toward a new classification of colonial governments, and Gen. Edward McCrady's study of slavery in the province of South Carolina, 1670 to 1770.

*The Scotch-Irish in America: Proceedings and Addresses of the Seventh Congress*, published by order of the Society (Nashville, Barbee and Smith,

pp. ix, 396) contains a record of the transactions at Lexington, Va., June 20-23, 1895, together with the text of the more important of the addresses made before the gathering. Of these several are historical. There is an account of the Scotch-Irish of the Valley of Virginia, by Hon. Joseph A. Waddell, of Staunton; a paper on the Mecklenburg Declaration of Independence, by Dr. George W. Graham; one on the battle of King's Mountain, by Rev. Dr. J. H. Bryson; one on George Rogers Clark, by Helm Bruce; and other biographical sketches of persons who were, or who were not, Scotch-Irish. None of these papers contain anything new, save that on the Mecklenburg Declaration. In this, some new arguments are advanced, and a few new facts, taken from the Draper Collection at Madison. But until what Dr. Draper collected on this matter shall have been fully made known, even those who think the subject important will be content to suspend judgment.

Miss Alice Brown's *Mercy Warren*, the last issue in the series of "Women of Colonial and Revolutionary Times" (Scribner, pp. 312), is an interesting and well-written book, in spite of the unpromising subject. Mrs. Mercy Warren was a remarkable and valuable woman, but heavy and priggish, and "unco' fond o' preachin'." The experiment of devoting a book to her was a doubtful one, for nearly all that is of interest and relates to her personally and directly is the surviving matter relating to her *History of the Revolution*, and the best of this is already in print. There is so little material relating to her life down to the beginning of the Revolution that one is obliged to fill in with "we may imagine that she was" or "I like to think of her as" doing thus and so. Those chapters which are obliged to consist almost wholly of background are executed with much intelligence and after careful reading. For the later periods, Miss Brown has been favored with abundant opportunities to read Mrs. Warren's letters. But these, while numerous and extensive, are so verbose and so conventional in phraseology that they do not help a biographer as much as they ought.

Hon. William A. Courtenay, ex-mayor of Charleston, S. C., who took part with the Washington Light Infantry of that city in the Cowpens celebration of 1856 and was chairman of the committee which arranged that of 1881, has printed an illustrated pamphlet of 137 pages on the *Proceedings at the Unveiling of the Battle Monument at Spartanburg*, upon the latter occasion. The occasion was more than usually memorable, because Mr. Courtenay and his committee secured the coöperation in it of all the old thirteen states, so that it completed, in a sense, that happy progress toward post-bellum reunion which had been marked by the appearance of the Washington Light Infantry at Bunker Hill in 1875 and at Philadelphia in 1876. The pamphlet contains General Wade Hampton's oration, and other historical matter, relating to the occasion, to the battle of Cowpens, and to General Daniel Morgan and other commanders.



*A History of Political Parties in the United States*, by J. P. Gordy, Ph.D., Professor of Pedagogy in Ohio University. In three volumes. Vol. I. (Athens, Ohio: Ohio Publishing Co., pp. 512.) Mr. Gordy has begun a useful work. His plan is to write a history of American political parties, with such detail as will put the essential facts in the possession of teachers who have not had the benefit of the higher education and who have not access to extensive libraries. The present volume covers the period from the formation of the Constitution to the end of Jefferson's second term. It is in thirty-six chapters, each with sub-heads and with a series of questions at the end. The treatment is careful and exact. There is sufficient quotation from original sources to illustrate the author's conclusions, and the general attitude is that of a fair and just judge of men and ideas. Many beside teachers might read the book with interest and profit.

The style is at times rather labored, and, especially in the first fifty or sixty pages, is decidedly careless. The following sentence will illustrate (p. 13): "The love of the Union, which seventy-five years later had become a passion that men were willing to die for, hardly existed then." The short chapters break up the book too much, and the pedagogical material in the shape of questions is of doubtful value. At least they might have been gathered into a series of topics at the end. As the volume appears by itself it might have an index, and it really deserves better paper and binding.

*Naval Actions of the War of 1812*, by James Barnes, (Harper). The author, in his preface, tells us that "it is not the intention to instruct that has caused him to compile and collate the material used in the following pages. I have been influenced by my own feelings;" and he desires, apparently, by the recitation of the naval deeds of our ancestors, to excite similar feelings of national pride in his fellow-countrymen of to-day.

Of instruction in any ordinary sense, by which the particular features of the various actions are readily understood, by either the layman or the professional man, there is therefore little to be found. Of falling spars and shattered timbers, with the accompanying bloodshed, there is abundant mention; and the result naturally is to produce an impression of much hard fighting, valiantly done, in which success for the most part remained with the Americans. Such gallant conduct and such results are unquestionably fit subject for national congratulation.

The book is handsomely printed and profusely illustrated. In its principal object it may possess interest for those heretofore unfamiliar with the brilliant story of the American navy in 1812. As a contribution to naval history, in the strict sense of the word, it is of little value; but that does not appear to have been the aim of the author.

A. T. MAHAN.

The late Rev. Henry W. Foote published in 1881 the first volume of his *Annals of King's Chapel*, Boston. When he died in 1889 he had written



a part of the second volume, and had made large collections of material for the remainder. The task of editing this second volume was entrusted to Mr. Henry H. Edes, who has acquitted himself of the charge in a manner entirely admirable. The present volume (Little, Brown and Co., pp. 690) is a highly valuable contribution to the local history of Boston. It begins with the induction of the last royalist rector, Henry Caner, in 1747. Mr. Foote had completed his narrative of the years from that date to about the time of the Stamp Act troubles. From portions left incomplete, or from Mr. Foote's notes and his own extensive stores of local historical knowledge, Mr. Edes has constructed chapters on the history of the church during the Episcopal or Mayhew controversy, the Revolution, the transition to Unitarianism, and the ministries of James Freeman, Samuel Cary, Francis W. P. Greenwood, Ephraim Peabody and Henry W. Foote. Many interesting documents are printed, and many biographical sketches of eminent persons who were members of the church or congregation. The history of the venerable building is of course not neglected. The illustrations are of high order. Appendices give lists of ministers, other officers and proprietors. The arduous work of the editor has been performed with great discretion and delicacy.

Mr. Irving B. Richman, Consul-General to Switzerland, whose little book on Appenzell we lately noticed, has gathered into a small volume a half-dozen unpretending essays in the history of Iowa and the neighboring regions. The book is called *John Brown among the Quakers and other Sketches*, and is published by the Historical Department of the State of Iowa (Des Moines, pp. 235). The essay which gives title to the volume deals with an episode in John Brown's life, his sojourn in Iowa from August, 1857, to April, 1858, and from February to March, 1859, first at Tabor and afterward at Springdale. From local sources Mr. Richman has obtained the materials for an interesting narration of this episode, of which little was known before. The letters and other data here first published cast light on the character of Brown's companions and on his relations to them at a time when his final expedition was already resolved upon, and exhibit impressively their spirit and motives. An essay on Nauvoo and the Prophet deals with the present aspects of that town and with its history as, for a brief period, the capital of the Mormon organization. The other studies in the book are of episodes in the history of the early relations of the white man to the Indian in or near Iowa, and are less interesting.

Professor George M. Wrong, of the University of Toronto, has inaugurated a publication sure to be of great value to all students of Canadian history, an annual *Review of Historical Publications relating to Canada*. The first volume (Toronto, William Briggs, pp. 190), devoted to the publications of the year 1896, naturally includes also some of the more important issues of the year 1895. Some forty volumes relating to Canadian history, published in Canada, the United States,

France and Great Britain, are reviewed in notices averaging three or four pages in length, usually in such a manner as to give the reader a clear notion of their contents and merits. The reviews are signed or unsigned, at the option of the writers. Those which are signed bear the names of some of the best-known historical scholars of the Dominion. Some forty minor notices follow. The book has an index, and is well made and well printed. It is intended to issue the volume reviewing the publications of the present year in January, 1898.

Lieutenant A. S. Rowan, U. S. A., and Professor M. M. Ramsey, of Columbian University, Washington, have coöperated in the production of a little book entitled *The Island of Cuba*, the former writing the first part, concerned chiefly with the physical geography of the island, the latter the sections of historical, political and commercial matter (New York, Henry Holt, pp. x, 279). The historical portions, with which alone we have to do, are plainly the work of an amateur, and are far from presenting an adequate account of the history of the colony. But the narrative is clear and intelligible, and the temper is eminently fair in respect to recent events and present conditions,—so fair as to constitute a recommendation of the book outweighing much of its slightness and insufficiency.

## NOTES AND NEWS.

General Francis A. Walker, President of the Massachusetts Institute of Technology, died suddenly in Boston on January 5, at the age of fifty-six. He was famous chiefly as a statistician and an economist, as the head of an important educational institution, and as a citizen of high character, unwearied public spirit and most engaging personal traits. But history may also claim him in part. His *History of the Second Army Corps* (1886) had a high importance, derived from his position as adjutant-general of that corps and from his powers of luminous exposition; and his *Making of the Nation* (1895), a brief account of our history from 1783 to 1817, was marked by unusual insight and originality.

The Count de Mas-Latrie died in Paris on January 5, aged eighty-one. He was eminent chiefly for works in the field of the Crusades and as a leading figure in the Société de l'Orient Latin. His leading works were a history of Cyprus, a treatise on commercial relations in North Africa in mediæval times, and his *Trésor de Chronologie*.

Horatio Hale, philologist and ethnologist, died in Ontario on December 28, aged seventy-nine. He was eminent as a student of Indian languages and antiquities, especially those of the Huron-Iroquois stock. His translation of the *Iroquois Book of Rites* appeared in 1883.

Sir Travers Twiss, Q. C., formerly professor of international law in King's College, London, whose book on the *Oregon Question* (1846) connects him with American affairs, and who edited for the Rolls Series the *Black Book of the Admiralty* (1874), died in London on January 15, aged eighty-seven.

Alexander Brückner, professor of history at St. Petersburg, Odessa and Dorpat from 1861 to 1891, and author of many works in Russian history, died at Jena on November 16.

The *Revue Historique* has published a *Quatrième Table Générale*, comprising an index to its contents for the years 1891 to 1895, inclusive (Paris, Félix Alcan, pp. 106). It contains an alphabetical index of authors, a systematic or subject-list of articles, an index to the documents and other classes of the contents of the review, an index of all the books noticed at length or briefly in the five years, an index of the necrologies, and finally a general subject-index.

A new edition (the fifth) of Spruner and Bretschneider's *Historischer Wand-Atlas*, consisting of ten maps relating to the same periods as in the previous editions, has been brought out by Perthes, of Gotha.

The eleventh number of *Bibliographica* contains an article by Sir E. Maunde Thompson on calligraphy in the Middle Ages, and one by Mr. F. Madan on the Thomason collection of Civil War tracts in the British Museum.

**ANCIENT HISTORY.**

Dr. S. A. Binion's *Ancient Egypt or Mizraim*, long in preparation, is now announced as published, in an elaborate edition, with many plates, in two volumes, at the price of eighty dollars (New York, H. G. Allen and Co.).

Dr. Wilhelm Larfeld's *Jahresbericht über die griechische Epigraphik für 1888-1894* (Berlin, S. Calvary, pp. 371, a supplementary volume of Bursian's *Jahresbericht*) is now completed, and may be separately obtained.

Volume VIII. of *Harvard Studies in Classical Philology* contains a historical article by Dr. G. W. Botsford on the Trial of the Alcmaeonidæ and the Cleisthenian Constitutional Reforms.

F. A. Perthes, of Gotha, announces the publication of *Die Pentakontactie*, by Professor Georg Busolt, of Kiel.

The second volume of the *Griechische Geschichte* of Professor Julius Beloch, of Rome (Strassburg, K. J. Trübner, pp. 713), extends to the time of Aristotle and of the conquest of Asia.

The last volume published by the Fürstlich Jablonowski'sche Gesellschaft of Leipzig is a book by Erich Ziebarth on *Das Griechische Vereinswesen* (Leipzig, S. Hirzel, pp. 224).

Messrs. B. G. Teubner, of Leipzig, announce the publication of H. Peter's *Die geschichtliche Litteratur der römischen Kaiserzeit*.

Messrs. Petersen, Domaszewski and Calderini have published, through the house of F. Bruckmann in Munich, their elaborate work, *Die Marcus-Säule auf Piazza Colonna in Rom*. It consists of 127 pages of text and 128 plates. The price is 300 marks.

Noteworthy articles in periodicals: L. van der Kindere, *Le Socialisme dans la Grèce Antique* (Revue de l'Université de Bruxelles, I. 2); Petersen, *Neue archäologische Entdeckungen in Italien* (Mittheilungen des k. deutschen archäologischen Instituts, Röm., XI. 2); Soltau, *Der Ursprung der Annales Maximi* (Philologus, LV. 2); A. Schulten, *Der römische Kolonat* (Historische Zeitschrift, LXXVIII. 1).

**EARLY CHURCH HISTORY.**

Messrs. Roberts Brothers, of Boston, have brought out the second volume of their translation of Harnack's *History of Dogma*, translated by Neil Buchanan (pp. 380).

**MEDIEVAL HISTORY.**

The Historical and Antiquarian Society of Basel continue their *Studien und Quellen zur Geschichte des Concils von Basel* by a second volume containing notes of the proceedings of the council, 1431-1433, from the *Manuale* of the notary Bruneti and from a Roman manuscript. The volume is edited by Dr. Johannes Haller (Basel, R. Reich, pp. 645).

Upon the occasion of M. Gabriel Monod's appointment as president of the historical and philological section of the École des Hautes Études, his former pupils have united in the production of a volume of *Études d'Histoire du Moyen Âge* (Paris, Félix Alcan, pp. 463), with a copper-plate portrait of M. Monod. Among the papers contributed are one by M. Imbart de la Tour on the immunities with respect to trade granted to churches, from the seventh to the ninth centuries; one by M. Émile Bourgeois on the assembly of Quierzy-sur-Oise; one by M. Ch. Bémont on Hugues de Clers and the *De Senescalcia Franciæ*; one by M. Abel Lefranc on Guibert de Nogent's treatise on relics and the beginnings of historical criticism in the Middle Ages; one by M. Auguste Molinier on the *Grandes Chroniques de France* in the thirteenth century; one by M. F. Funck-Brentano on the peers of France at the end of the thirteenth century; one by M. H. Pirenne on the sources of the *Chronique de Flandre*; and one by M. C. Petit-Dutaillis on popular preaching, the Lollards and the insurrection of the English laborers in 1381.

Signor Lelio Ottolenghi, in his treatise *Della Dignità Imperiale di Carlo Magno* (Padua, Drucker, pp. 134), studies the history of the events which led to the coronation of Charlemagne, and especially the history of the latter's policy in Italy.

Fathers Blume and Dreyes continue their contributions to mediæval hymnology, *Analecta Hymnica Medii Ævi*, by two volumes (Leipzig, O. P. Reisland, pp. 288, 291) numbered XXIV. and XXV., and entitled *Historiæ Rhythmica; Liturgische Reimofficien des Mittelalters*, 4, 5.

An interesting volume on *The Geography of the Middle Ages*, by C. Raymond Beazley, is announced by the Macmillan Co. It will pay especial attention to the contributions made by pilgrims.

Professor E. P. Evans has elaborated an interesting and curious subject in his book on *The Criminal Prosecution of Animals in the Middle Ages* (London, Heinemann).

It is announced that a book on human sacrifice among the Sephardim or Eastern Jews, found among the papers of the late Sir Richard Burton, will shortly be published.

Under the comprehensive title of *The Pre-Reformation Period*, the historical department of the University of Pennsylvania publishes, in its *Translations and Reprints from the Original Sources of European History*, a variety of documents relating to heresy, the inquisition, the relations of church and state, and the Council of Constance.

Professor J. B. Bury, of Trinity College, Dublin, intends to bring out an extensive series of texts of Byzantine historians, including not only Greek texts, but English translations of Oriental chronicles.

#### MODERN EUROPEAN HISTORY.

Under the general editorial care of Lord Acton, Regius Professor of Modern History in the University of Cambridge, the University Press

will bring out, in twelve volumes of about 700 pages each, the *Cambridge Modern History*, covering the period from the end of the Middle Ages to the present day. It is expected that the first volume, dealing with the Renaissance, will be published in two or three years from the present time, to be followed by two volumes in each successive year. The plan of the work is coöperative. Among those who are announced as engaged to coöperate are Mr. James Bryce, Professor J. B. Bury, Dr. W. Cunningham, Professor Fairbairn, Professor Flint, Mr. Frederic Harrison, Mr. R. H. Hutton, Professor Jebb, Mr. Lecky, Mr. Sidney Lee, Mr. John Morley, Mr. C. Oman, Mr. E. J. Payne, Sir Frederick Pollock, Professor Prothero, Dr. Sidgwick and Lord Wolseley.

Mr. George Haven Putnam's *Books and Their Makers During the Middle Ages*, Vol. II., extends from 1500 to 1709, and contains chapters on the earlier printer-publishers of France, on Caxton, the Kobergers, Froben, Erasmus, Plantin and the Elzevirs; and on censorship of the press and the beginnings of the modern ideas of literary property.

Under the title *Briefe aus Rom*, Hofrath von Sickel has begun, in the proceedings of the philosophical-historical section of the Vienna Academy, a series of communications from the less known portions of the secret archives of the Vatican. He begins with papers relating to the Council of Trent and at the same time to the papal archive-system.

In the *Archivio della R. Società Romana di Storia Patria*, XIX. 3-4, Alessandro Ferrajoli publishes a bull which was drawn up by Julius II., and is referred to by Guicciardini, but which seems to have been unseen until discovered in the Vatican archives by Signor Ferrajoli, deposing Francis I., and transferring his crown to Henry VIII.

Noteworthy articles in periodicals: E. Armstrong, *Alberoni and the Quadruple Alliance* (Scottish Review, January); A. T. Mahan, *Nelson in the Battle of the Nile* (Century, January); A. T. Mahan, *The Battle of Copenhagen* (Century, February); A. T. Mahan, *Nelson at Trafalgar* (Century, March).

#### GREAT BRITAIN AND IRELAND.

The latest volume of the Historical Manuscripts Commission, *Fifteenth Report, Appendix, Part II.* (pp. 409), presents a calendar of the manuscripts of J. Eliot Hodgkin, F.S.A. The collection is highly miscellaneous. Among the most interesting items are a group of letters relating to Charles II. in exile; drafts of the letters of Sir Bernard Gascoigne, diplomatist under that monarch; a collection of letters to and from Samuel Pepys; letters of and to the first Earl of Danby, showing his relations with Ralph Montagu and with France in a memorable episode in 1678 (letters which Danby garbled when he printed them in 1710); papers of the Duke of Ormonde casting light on his actions under the restraining orders imposed upon him when commander-in-chief in Flanders; letters relating to the Old Pretender and to the Chevalier d'Eon, and papers

relating to the Mohocks and Hawkubites of London in 1711 and 1712. Only two or three pieces have any relation to America.

The British government has published *English Army Lists and Commission Registers*, Vol. III., 1689-1690, edited by C. Dalton; *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope*, Vol. I., 1342-1419, edited by W. H. Bliss; *Year-books of the Reign of Edward the Third*, Year XVI., Part I., edited by L. O. Pike; *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII.*, Vol. XV.; *Acts of the Privy Council of England*, Vol. XIV. (1586-1587), edited by J. R. Dasent; and the *Red Book of the Exchequer*, 3 vols., edited by Hubert Hall.

In Vol. XLIX. of the *Dictionary of National Biography* (Rob-Rus) the most interesting articles to the student of general history are those on John Robinson, by Rev. Alexander Gordon; on Rodney, by Professor J. K. Laughton; on Sir Thomas Roe, by Stanley Lane-Poole; on Prince Rupert, by Mr. C. H. Firth; on Earl Russell, by Mr. Fraser Rae; and on Lord William Russell, by Principal Ward.

Teachers of English history at Bryn Mawr College, Cornell and Johns Hopkins Universities, and the Universities of Chicago, Iowa, Michigan, Pennsylvania, Toronto and Wisconsin have united for the purpose of indexing and calendaring the current periodical literature of English history. About fifty periodicals are comprehended in this scheme—English, American, French, German and Italian.

The January number of the *Revue des Questions Historiques* contains a summary review of recent publications in English history, by M. Alfred Spont.

The council of the Somerset Record Society has issued a circular in which an appeal is made for help to enable it to carry on its work. The annual subscription is one guinea, and one volume a year has hitherto been published. Thus far ten volumes have been issued, containing much valuable material relative to mediæval history. A considerable increase of the number of members is needed. The editorial secretary is the Rev. Prebendary Holmes, Wells, Somerset.

Vol. IX. of the *Camden Miscellany* contains a series of visitations of churches belonging to St. Paul's Cathedral, 1249-1252; a collection of interesting letters from the bishops to the privy council in 1564; a series of documents relating to Strafford, 1620-1640, etc.

The Oxford Historical Society has brought out the second volume of the *Cartulary of the Monastery of St. Frideswide*, edited by S. R. Wigram (pp. 488).

No. 62 in Professor Gustav Schmoller's *Staats- und Socialwissenschaftliche Forschungen* is a monograph by Dr. Hans Plehn on *Der politische Charakter von Matheus Parisiensis; ein Beitrag zur Geschichte der englischen Verfassung und des Ständetums im 13. Jahrhundert* (Leipzig, Duncker und Humblot, pp. xiv, 136).



The Macmillan Co. have now published *The Life and Miracles of St. William of Norwich* by Thomas of Monmouth, now first edited by Dr. Augustus Jessopp and Dr. Montague R. James (pp. lxviii, 303).

A volume of considerable interest to the student of history as well as to the student of Shakespere has been prepared by Mr. W. G. Boswell-Stone. It is entitled *Shakespere's Holinshed, the Chronicles and the Historical Plays Compared* (Longmans, pp. 532). In this volume the historical plays are compared, scene by scene, with passages chiefly derived from Holinshed's *Chronicles*, supplemented by illustrations taken from other sources. The excerpts from Holinshed are generally accompanied by prefatory words narrating the dramatic action in the dramatic order, and noticing as they occur all important variations of historic chronology and historic facts.

Most prominent of recent books upon the history of India is *Forty-one Years in India: From Subaltern to Commander-in-chief*, by Field Marshal Lord Roberts of Kandahar. This is published in two volumes of about 500 pages each, by Messrs. Longmans, Green and Co.

Noteworthy articles in periodicals: J. H. Round, *The Battle of Hastings* (National Review, January); L. Johnston, *Sources of Anglo-Norman Church History* (Catholic University Bulletin, January); J. Gairdner, *New Lights on the Divorce of Henry VIII.*, III. (English Historical Review, January); S. R. Gardiner, *Plan of Charles I. for the Deliverance of Strafford* (English Historical Review, January); J. R. Tanner, *The Administration of the Navy from the Restoration to the Revolution* (English Historical Review, January).

#### FRANCE.

M. P. Guiraud, the most intimate pupil of Fustel de Coulanges, has published a book upon that distinguished historian (*Fustel de Coulanges*, Paris, Hachette); Fustel is also largely the theme of M. d'Arbois de Jubainville's *Deux Manières d'écrire l'Histoire: Critique de Bossuet, d'Augustin Thierry et de Fustel de Coulanges* (Paris, Bouillon).

An interesting account of the opportunities for historical study in Paris is printed in the *Revue de l'Université de Bruxelles*, I. 9, by E. Lameere, *Les Études Historiques à Paris*.

The classical edition of the Polyptych of Abbot Irminon by Benjamin Guérard having become rare, the Société de l'Histoire de Paris has undertaken the issue of a new edition, now completed by the publication of Vol. II. The text was published in 1886. The present volume contains all the essential and still valid portions of Guérard's prolegomena, with many valuable additions made by the present editor, M. A. Longnon.

M. J. Flammermont has just published, as the eighth volume of the *Archives des Missions* (Paris, Leroux, pp. 628), an elaborate report on the *Correspondance des Agents diplomatiques étrangers en France avant la Révolution*. The volume contains a great amount of fresh information.

M. Maxime de La Rocheterie and the Marquis de Beaucourt have brought out the second volume of their critical edition of the authentic letters of Marie Antoinette, *Lettres de Marie Antoinette* (Paris, Picard, pp. 472).

M. Albert Sorel's *Bonaparte et Hoche en 1797* (Paris, Plon) is a penetrating study of Bonaparte's ideas at the time when he made peace with Austria, showing how largely his future policy was already developed in his mind, and of the ideas of Hoche at the time when he was organizing government on the left bank of the Rhine and preparing for the 18th Fructidor.

The *Recollections of Alexis de Tocqueville*, published in Paris in 1893, have been translated into English by Alexander Teixeira de Mattos, and are published by the Macmillan Co.

Noteworthy articles in periodicals: P. Imbart de la Tour, *Les Paroisses rurales dans l'ancienne France* (Revue Historique, January); C. V. Langlois, *Les Travaux sur l'Histoire de la Société Française au Moyen Âge* (Revue Historique, March); L. Batiffol, *Le Châtelet de Paris vers 1400*, II., III. (Revue Historique, January, March).

#### ITALY, SPAIN, PORTUGAL.

A series of selections from the sources of Italian history, entitled *La Storia d'Italia narrata da Scrittori Contemporanei*, and similar in plan to Zeller's *L'Histoire de France racontée par les Contemporains* and the German *Quellenbücher*, is in process of publication at Venice, under the editorial care of Pietro Orsi.

The January number of the *Revue des Questions Historiques* contains a summary review of recent publications in Italian history, by M. Léon G. Pélissier.

A recent volume by F. Cavazza, *Le Scuole dell' antico Studio Bolognese* (Milan, Hoepli), gives valuable information concerning the internal history of the University of Bologna in the Middle Ages.

Messrs. Ulrico Hoepli, of Milan, have begun the publication of an important work by Italo Raulich, entitled *Storia di Carlo Emanuele I., Duca di Savoia, con documenti degli archivi italiani e stranieri*. Vol. I. covers the years 1580-1588.

The new edition of the *Lex Romana Wisigothorum*, brought out by the Academia de la Historia, is a volume of 439 pages, and is to be obtained of the Libreria Nacional y Extranjera of G. O. Pfeil Schneider.

A *Historia de las Instituciones sociales de la España Goda*, by the late Don Eduardo Pérez Pujol, rector of the University of Valencia, has been published in that city, in four volumes quarto.

The fourteenth volume of the *Historia General de España*, written by members of the Real Academia de Historia, under the direction of Señor Cánovas del Castillo, has appeared. It is the second volume of Señor J. Gómez de Arteche's *Reinado de Carlos II.*



## GERMANY, AUSTRIA, SWITZERLAND.

Professor Bernhard Erdmannsdörffer, of Heidelberg, has become president of the Historical Commission of Baden, in the place of the late Professor Winkelmann; Professor Engelbert Mühlbacher, President of the Institut für oesterreichischer Geschichtsforschung, in the place of Dr. Heinrich von Zeissberg, now become court librarian.

The government of the kingdom of Saxony has established a historical commission, with an annual subvention of 10,000 marks.

The *Publikationen aus den k. preussischen Staatsarchiven* are continued by the issue of Vols. 66 and 67. The former consists of *Die Protokolle und Relationen des brandenburgischen Geheimen Rathes aus der Zeit des Kurfürsten Friedrich Wilhelm*, edited by Dr. O. Meinardus; the second is the second volume of the political correspondence of the Elector Albert Achilles, edited by Fel. Priebatsch, and extending from 1475 to 1480.

Two new parts of the *Monumenta Germaniæ Historica* have appeared one in the series of Latin poets of the Middle Ages, the other in that of the Merovingian historical writers: *Poetæ Latini Ævi Carolini*, tom. III., part. II., fasc. II., ed. L. Traube; and *Passiones Vitæque Sanctorum Ævi Merovingici et antiquiorum aliquot*, ed. Bruno Krusch.

In the series of *Geschichtschreiber der deutschen Vorzeit* the latest translations (71-74) are of Arnold of Lübeck, Albert of Stade, Matthew Paris (extracts), and the Annals of Marbach.

R. Gaertner, of Berlin, announces the publication of *Ausgewählte Urkunden zur brandenburgischen-preussischen Verfassungs und Verwaltungsgeschichte*, in two volumes, by W. Altmann. The first volume (pp. 246) covers the period from the fifteenth to the eighteenth century inclusive, the second (pp. 316) is exclusively occupied with the nineteenth.

The second issue in the *Historische Bibliothek*, published by the editors of the *Historische Zeitschrift*, is a collection of Samuel Pufendorf's letters to Christian Thomasius (1687-1693), edited by Emil Gagas (Munich, R. Oldenbourg, pp. 78).

The twenty-third volume of the *Politische Correspondenz Friedrich's des Grossen*, edited by the Prussian Academy, has been published (Berlin, A. Duncker, pp. 559).

Dr. Karl Ringhoffer publishes (Leipzig, F. Luckhardt, pp. 443) *Ein Decennium preussischer Orientpolitik zur Zeit des Zaren Nikolaus (1821-1830)*, *Beiträge zur Geschichte der auswärtigen Beziehungen Preussens unter dem Ministerium des Grafen Christian Günther von Bernstorff*, with documents from the state archives at Berlin.

The sixth part of Theodor von Bernhardi's journals, just brought out in Leipzig (*Aus dem Leben Theodor von Bernhardis*, VI., S. Hirzel, pp. 338) covers the years 1864-1866.

Dr. Heinrich von Poschinger has begun a new Bismarck series, *Fürst*

*Bismarck und der Bundesrat*, to be completed in four volumes. The first volume (Stuttgart, Deutsche Verlags-Anstalt, pp. 351) is occupied with the Bundesrath of the North German Confederation, 1867-1870.

Messrs. T. Y. Crowell and Co., of Boston, will shortly complete their translation of Sybel's *Founding of the German Empire* by the addition of the last two volumes.

Dr. Wilhelm Heyd has published the second volume of his *Bibliographie der württembergischen Geschichte* (Stuttgart, W. Kohlhammer, pp. 794).

The archivist of the city of Frankfort a. M., Dr. Rudolph Jung, has published, through the historical society of that city, an account of his archives, entitled *Das historische Archiv der Stadt Frankfurt am Main, seine Bestände und seine Geschichte* (Frankfurt, K. Th. Völcker, pp. 297).

The January number of the *Revue Historique* contains a summary review of the historical publications relating to Alsace, brought out during the years 1891-1896, by Rodolphe Reuss.

Under the title *Zwingli-Bibliographie*, Georg Finsler has published a bibliography of the writings of the reformer and also of writings relating to him (Zürich, Orell Fussli, pp. 187).

Professor Charles Borgeaud, of the University of Geneva, who is engaged in an elaborate history of that institution, has printed in the *Revue Internationale de l'Enseignement* a series of articles on *Calvin Fondateur de l'Académie de Genève*.

Noteworthy articles in periodicals: D. Schäfer, *Die Hinrichtung der Sachsen durch Karl den Grossen* (Historische Zeitschrift, LXXVIII. 1); H. Virk, *Die römische Kurie und Deutschland, 1533-1539* (Preussische Jahrbücher, LXXXV. 2, 3); E. D. Warfield, *Philip Melancthon* (Presbyterian and Reformed Review, January); A. Boucher, *Trois Plans de Campagne inédits de M. de Moltke* (Le Correspondant, October 10).

#### NETHERLANDS AND BELGIUM.

A brief article on the archives of the Netherlands, by C. M. Dozy, is printed in the *Revue Internationale des Archives*, I. 8.

Dr. Gisbert Brom has nearly completed the issue of the second volume of his *Bullarium Trajectense; Romanorum Pontificum Diplomata quotquot olim usque ad Urbanum Papam VI., in veterem Episcopatum Trajectensem destinata reperiuntur* (Hague, Martinus Nijhoff).

#### NORTHERN AND EASTERN EUROPE.

A brief article on the archives of Sweden, by Dr. S. Bergh, is printed in the *Revue Internationale des Archives*, I. 8.

A work of importance in the constitutional history of Sweden is Dr. E. Hildebrand's recently published *Svenska Statsförfattningens historiska Utveckling från äldsta tid till våra dagar* (Stockholm, pp. 684).



The Academy of Cracow has published the fifteenth volume of its *Monumenta Medii Aevi Historica res gestas Poloniae illustrantia*, a volume of royal accounts, *Rationes Curiae Vladislai Iagellonis et Hedvigis Regum Poloniae 1388-1420*, edited by Dr. Franc. Piekosinski (pp. 618).

Noteworthy articles in periodicals: T. Schiemann, *Die Thronbesteigung des Zaren Nicolaus I.* (Preussische Jahrbücher, LXXXV. 2); J. G. Whiteley, *The Question of the Dardanelles* (Yale Review, February).

#### AMERICA.

The Macmillan Co. announce the publication of a series of four volumes prepared by Professor Albert Bushnell Hart, of Harvard University, entitled *American History told by Contemporaries*. The series is made up entirely from the original sources of American history, extracts from the contemporary narratives being chosen in such manner as to give a notion of the writer's style and to present a general account of the times from the first voyages to the present day. A practical introduction on the use of such sources, with a bibliography, will be prefixed to each volume. The series is intended chiefly for the use of students. Vol. I., covering the era of colonization (1492 to 1689), may be expected in April.

The prize of one hundred dollars for the best monograph based upon original research in history, a prize established by the American Historical Association in December, 1895, has been awarded for the year 1896 to Professor Herman V. Ames, of Ohio State University, Columbus. His work is entitled "Proposed Amendments to the Constitution of the United States during the first Century of its History." The committee of award consisted of Professors A. C. McLaughlin, M. C. Tyler and J. H. Robinson.

The second volume of the *Report of the Commissioner of Education for the Years 1894-95*, just published (pp. 1153-2314), contains five sections of historical matter, relating respectively to education in the Northwest, 1790-1840; the common schools of New England, 1790-1840; the public schools of the city of Washington, 1805-1885; early educational life in middle Georgia; and education and the Talmud. With the exception of that relating to Washington, these chapters are extremely diffuse and of slight value.

The Peabody Museum of American Archæology and Ethnology has, by statute of Massachusetts and by the act of its trustees, become a part of Harvard University.

Mr. Edward L. Pierce has gathered into a volume, under the title *Enfranchisement and Citizenship: Addresses and Papers* (Boston, Roberts Brothers, pp. 397), a number of his writings, some of which are of historical character. Among the latter are papers on the contrabands at Fortress Monroe, the freedmen at Port Royal, the assault on Fort Wagner, the Free Soilers of 1848 and 1852, and recollections as a source of history.

Dr. G. M. Fisk has published, in Germany, a work on the relations between Germany and the United States, *Die landespolitischen und sonstigen völkerrechtlichen Beziehungen zwischen Deutschland und den Vereinigten Staaten von Amerika*. The book is noted as "a historical-statistical study," and is published by J. G. Cotta, of Stuttgart, in the series of *Münchener Volkswirtschaftliche Studien* (pp. xiv, 254).

Mr. Francis P. Harper, of New York, is the publisher of G. C. Seilhamer's elaborate *History of the American Theatre, 1749-1797*, in three volumes, including a list of the performances of the early companies, casts, summaries of the parts played by the various actors and actresses, advertisements, criticisms, etc.

Messrs. G. P. Putnam's Sons announce the continuation of Profesos Moses 'Tyler's well-known work on the history of American literature, entitled *The Literary History of the American Revolution, 1763-1783*, of which portions have heretofore appeared in these pages. They will also publish the life and letters of Charles Carroll, of Carrollton, edited by Miss Kate Mason Rowland.

Senate Document No. 40 of the 54th Congress, Second Session, is a memorandum on the methods of recognition of foreign governments and foreign states by the government of the United States from 1789 to 1897, presented by Senator Hale, and prepared by Mr. Andrew H. Allen, Chief of the Bureau of Rolls and Library in the Department of State (pp. 15).

It is announced that Vol. VIII. of the *Studies in History, Economics and Public Law*, issued by the faculty of political science in Columbia University, will contain a monograph on the struggle between President Johnson and Congress over Reconstruction, by Charles Ernest Chadsey, Ph. D.

Episodes in the history of Moravian missionary activity in a part of America are treated in G. Burckhardt's *Die Mission der Brüdergemeine in Grönland*, and in H. G. Schneider's *Die Mission der Brüdergemeine in Alaska*, both announced by F. F. Jansa, of Leipzig.

At the instance of Senator Hoar, the Bishop of London (now Archbishop of Canterbury) has consented to the restoration of the MS. of Bradford's *History of Plimoth Plantation* to the State of Massachusetts.

Mr. Robert T. Swan, Record Commissioner of Massachusetts, has issued his *Ninth Report on the Custody and Condition of the Public Records of Parishes, Towns and Counties*. It presents a detailed statement of the improvements made, with respect to those records, by the several cities and towns since the 1st of January, 1890, and a list of assessors' records found during the year 1896. Since the list which we gave in our first volume, pp. 581-584, additional volumes containing records of Boston, Stoughton, Canton, Lunenburg and Worcester, and of Saco, Maine, have been printed.

The Commonwealth of Massachusetts has now printed Vol. VI. of the



*Acts and Resolves of the Province of Massachusetts Bay* (pp. 245). This volume contains the text of the private acts passed from 1692 to 1780, with a brief preface and with little or no annotation. Vols. VII. and VIII., which make a beginning of the resolves, have already been printed.

The *Essex Antiquarian* (Salem, Mass.) for January begins an alphabetical list of all soldiers and sailors of the Revolution who were noted as of Essex County. In the February number the editor begins a series of extracts, also to be continued, from the records of (old) Norfolk County, an ancient subdivision of the colony, partly conterminous with the present Essex.

*Putnam's Monthly Historical Magazine* for November-December begins the publication of abstracts of all the early deeds recorded in Essex County, Massachusetts.

The History Committee of the Brookline Education Society have printed an admirable little *Guide to the Local History of Brookline, Mass.*, in a little pamphlet of 24 pages, chiefly for the use of school children. It contains an outline of the facts, questions, notes and references. It were to be wished that the children of every town had such a guide.

Messrs. Carpenter and Morehouse, of Amherst, Mass., announce the publication of an elaborate *History of the Town of Amherst* in 928 pages. The plan of the volume is excellent, and it appears likely to form a valuable and intelligent contribution to the history of western Massachusetts.

The Rhode Island Historical Society has issued, as Vol. IX. of its *Collections*, a volume by Mr. Henry C. Dorr, entitled *The Proprietors of Providence and their Controversies with the Freeholders* (pp. 140). The January number of the society's *Publications* contains some documents relating to "the first public library in Rhode Island" (one of Dr. Thomas Bray's) and, apropos of the discussion over the question of the Indian Deed to Roger Williams, a question locally occupying much attention of late, a facsimile of a document involved. In the controversy mentioned, the leading papers published have been by Mr. S. S. Rider and Mr. George T. Paine.

The eleventh volume of the *Early Records of the Town of Providence* contains the records of town meetings from 1692 to 1715. The volume has as frontispiece a portrait of the late Judge G. M. Carpenter, one of the Record Commissioners, and, in the preface, a brief memoir of him by the surviving commissioners.

The second number of the *Bulletin of the New York Public Library* (Astor, Lenox and Tilden foundations) contains a description of the manuscript collections in the Emmet Library, presented to the New York Public Library by Mr. John S. Kennedy; and prints also the New York Oath Rolls of 1753 to 1757, documents prepared to be subscribed by all persons having any office, civil or military, under the King.

The Board of City Record, having in charge the printing of the old



Dutch records of New Amsterdam, have entrusted the editing to Mr. Berthold Fernow. Messrs. G. P. Putnam's Sons will publish the work, in six volumes, with an index-volume. There will be 200 copies for the city and 150 for sale.

A book which should contain some materials of value to searchers in the history of New Netherland is the first volume of the *Livre Synodal, contenant les Articles résolus dans les Synodes des Églises Wallonnes des Pays-Bas*, extending from 1563 to 1685 (Hague, Nijhoff, pp. 844, 54).

The January number of the *Pennsylvania Magazine of History* is chiefly occupied with the continuation of articles already noted. There is also an article on the Blue Anchor Tavern. Mr. Thomas McKean has deposited with the Society the papers of his ancestor, Gov. Thomas McKean, signer of the Declaration of Independence, bound in five volumes.

The January number of the *Virginia Magazine of History* contains a series of interesting letters of Thomas Ludwell relating to the Dutch attacks on the Virginia fleet in Hampton Roads in 1667, a reprint of Rev. Francis Makemie's *Persuasive to Towns and Cohabitation*, from a copy supposed to be unique; several documents from the records of Prince George County; and continuations of the decisions of the Virginia General Court, 1626-1628; of the letters of William Fitzhugh; and of the abstracts of Virginia land patents. In the record of the proceedings of the annual meeting of the Virginia Historical Society, held in December, it is stated that the state of Virginia has agreed to publish "the whole manuscript of the London Company's minutes, now in possession of the Society." This is to be regretted, as what the Society possesses is an imperfect and incorrect transcript of those minutes, of which the originals are no farther away than Washington. The Society has completed a catalogue of its manuscripts.

Information is desired as to the early will-book of King George County, Virginia, which was taken from the clerk's office during the war and some years ago was ascertained to be in New York. A reasonable sum will be paid for its return.

The fifteenth series of the *Johns Hopkins University Studies in History and Political Science* opens with a double number on the history of the tobacco industry in Virginia, from 1860 to 1894, by B. W. Arnold, jr., Ph.D. The subject is treated from the standpoint both of the planter and of the manufacturer, and with attention to economic facts rather than to the technicalities of agriculture or manufacture.

The January number of the *William and Mary College Quarterly Historical Magazine* contains two exceedingly interesting letters of President William Nelson and of Richard Bland, written in 1771, respecting the suggestion of an American episcopate and the action of the House of Burgesses with reference thereto. It also contains some interesting matter by Charles W. Coleman relating to Lord Botetourt and a list of parishes and the ministers in them in the year 1774.

Vol. I., No. 4, of the *Lower Norfolk County Antiquary* contains a list of land- and slave-holders in Princess Anne County in 1776, a continuation of the papers of the Princess Anne County Committee of Safety in 1775, notes on the Lower Norfolk County libraries, and other local materials. An index has been prepared for the first volume, which is now completed.

A contribution to Carolina history, from an unusual quarter, is to be found in the *Neujahrsblatt* of the Historischer Verein des Kantons Bern (Bern, K. J. Wyss). It is a pamphlet of 43 pages with a plan, by Wolfgang Friedrich von Mülinen, and is entitled *Christoph von Graffenried, Landgraf von Carolina, Gründer von Neu-Bern; zumeist nach Familienpapieren und Copien seiner amtlichen Berichte*.

The State of North Carolina has just published Volumes XI., XII. and XIII. of her *State Records*. The records are bound uniformly and numbered continuously with the earlier series of *Colonial Records* (10 volumes), which ends with 1776. The *State Records*, under the editorship of Judge Walter Clark, will come down to January 1, 1790. There will be some eighteen volumes in all. An exhaustive index to both series is in preparation by Dr. Stephen B. Weeks.

The North Carolina Baptist Historical Society has begun the publication of a quarterly journal called *North Carolina Baptist Historical Papers*. The first number appeared in October, 1896. It includes reprints, original papers, notes and comments. The publication committee are Rev. J. D. Hufham, Rev. N. B. Cobb and Thomas M. Pittman. It is published from Henderson, N. C.

Dr. Stephen B. Weeks has reprinted from the twenty-fourth volume of the *Southern Historical Society Papers* an address on the University of North Carolina in the Civil War, which he delivered at the centennial celebration of the opening of that institution in 1895. It is an elaborate and interesting paper.

*George Burrington, with an Account of his official Administrations in the Colony of North Carolina, 1724-1725, 1731-1734*, is the title of a study by Marshall Delancy Haywood of one of the most remarkable characters in the history of that state (Raleigh, Edwards and Broughton, pp. 34).

Ever since the action of the General Assembly of South Carolina, in 1891, in providing for the procurement from London of transcripts of documents relating to the history of South Carolina, General Edward McCrady has been occupied in writing, upon the basis of the large mass of materials thus acquired, and of the other and better known materials, a careful history of South Carolina. It is now announced that the first volume is ready for publication. Public-spirited citizens in the state have subscribed a guarantee fund to insure the publication of this first volume, which will extend from the foundation of the colony down to the overthrow of the rule of the Proprietors in 1719. The introductory chapter

has been printed in pamphlet form as a specimen of the work. So far as one may judge from this introductory chapter, treating of the general characteristics of South Carolina's colonial history and of the earlier and later literature of the subject, General McCrady's book will be marked by such a degree of scholarship, accuracy and historical insight as to make it an invaluable addition to the historical literature of the South. It is to be hoped that subscriptions will be made in sufficient numbers to insure abundantly its pecuniary success.

A new edition of Pickett's now rare *History of Alabama* is announced by James F. Meegan of Atlanta, Georgia.

In a pamphlet of 44 pages Mr. Edward T. Sanford has reprinted from the *Proceedings of the Bar Association of Tennessee* for 1896 an address on the Constitutional Convention of Tennessee of 1796, which offers a good résumé of existing knowledge upon this subject.

The Chicago Historical Society at its January meeting received from Mr. Moses J. Wentworth an invaluable collection of Chicago newspapers bequeathed to him by the late Hon. John Wentworth with discretionary authority to present them to the society. The series consists of fifty volumes of bound newspapers, covering the period from 1835 to 1862, and accompanied by a manuscript index in twenty-one volumes. By this gift, added to the papers already owned, the society becomes possessed of what is practically a complete set of the newspapers of Chicago. Mr. Wentworth's collection was made anew after the destruction of his original set by the fire of 1871.

The annual report of Mr. R. G. Thwaites as secretary of the State Historical Society of Wisconsin, made at the annual meeting in December, notes the year's accessions as 5247 books and 3755 pamphlets. It is expected that the admirable new library building may be occupied in about two years.

No. 10 of the Parkman Club Publications is a brief paper on the Polanders in Wisconsin, by Frank H. Miller.

The Burrows Brothers Co., of Cleveland, announce the publication, under the title *New Light on the Early History of the Greater Northwest*, of the manuscript journals of Alexander Henry the younger, fur trader for the Northwest Fur Co. from 1799 to 1814, and of David Thompson, official surveyor and explorer for the same company. The work is published in three volumes, and is edited by Professor Elliott Coues, who prepared the new editions of Lewis and Clark and of Pike.

A further contribution to the discussion of the question of Radisson and Groseilliers is made by Mr. Charles Moore, of Washington, D. C., in his brief pamphlet *The Discoverers of Lake Superior* (*Publications of the Michigan Political Science Association*, II. 5.)

In the January number of the *Annals of Iowa* the most important matters are the recollections of Judge Francis Springer, president of the Constitutional Convention of 1857; and an article on the history of the Mormons in Iowa, by the Hon. D. C. Bloomer.

We have received from the Hon. T. S. Parvin an address delivered by him at the semi-centennial celebration at Burlington, October 2, 1896, entitled *Who Made Iowa?* an exposition of the work of the early pioneers in the making of the state.

Mr. Edmond Mallet, of the General Land Office at Washington, has printed in the *Bulletin des Recherches Historiques*, III. 3 (published at Lévis, Canada) an article, to be continued hereafter, entitled *Le Sieur de Vincennes, Fondateur de l'Indiana*, in which he endeavors to promote the solution of the question as to Vincennes's identity.

Noteworthy articles in periodicals: B. Mitre, *El Libro de Bernal Diaz del Castillo* (La Biblioteca, Buenos-Aires, October); *The Puritan Settlements in New England* (London Quarterly Review, January); E. J. James, *The First Apportionment of Federal Representatives in the United States* (Annals of the American Academy of Political Science, January); F. N. Thorpe, *A Century's Struggle for the Franchise in America* (Harper's Monthly, January); S. E. Marshall Hardy, *John Marshall* (Green Bag, December); *History of the Sea-Coast Fortifications of the United States* (Journal of the U. S. Artillery, November); *Abraham Lincoln's War Policy* (Quarterly Review, January); *Why the Confederacy Failed* (Century, February).

The  
American Historical Review

MARSIGLIO OF PADUA AND WILLIAM OF OCKAM

II.

THE statement of Pope Clement, that Marsiglio derived his heresies from Ockam, is still further weakened if we consider the attitude of the scholars of that time and of later days with respect to the works of the two. It was to Marsiglio, rather than to Ockam, that the enemies of the popes and the friends of reform looked for support. This has been denied by several writers of our own day, who think that it was the fate of Marsiglio to be absolutely forgotten. According to Poole,<sup>1</sup>—and Lechler,<sup>2</sup> Tschakert<sup>3</sup> and Kneer<sup>4</sup> are of the same opinion,—“Ockam may justly be claimed as a precursor of the German reformers of the sixteenth century, but Marsiglio exercised no direct influence on the movement of thought.” Riezler regards them both as nearly equal in prominence as precursors of the Reformation. Silbernagl, on the other hand, distinctly denies that Ockam is a precursor of the Reformation in the same sense as is Marsiglio, who, in his *Defensor Pacis*, “takes the same grounds as Luther.”<sup>5</sup> Which of these opinions is right we shall discover by studying the histories of the works of Marsiglio and Ockam, subsequent to their publication.

If we could believe Villani,<sup>6</sup> John XXII. condemned Marsiglio in a bull dated July 13, 1324. From a letter of the bishop of Passau, of September 6, 1326, we know that John had already condemned Marsiglio as a heretic.<sup>7</sup> On April 3, 1327, John condemned

<sup>1</sup> *Illustrations of Medieval Thought*, p. 277.

<sup>2</sup> *Johann Wiclif*, Leipzig, 1873, pp. 125-127.

<sup>3</sup> *Peter von Ailli*, Gotha, 1877, p. 3.

<sup>4</sup> *Entstehung d. konzil. Theorie in Röm. Quartalschr.*, 1893, Supp. I. 56, 57.

<sup>5</sup> *O. c.*, p. 427.

<sup>6</sup> *Historia Univ.*, in Muratori, *Scriptores*, XIII. 560.

<sup>7</sup> Reinkens, *Urkunden d. Vatikan. Archivs*, No. 287, in the *Abh. d. III. Cl. Ak. d. Wiss.*, XVII. Bd., I. Abth., 1883.

the *Defensor Pacis* and its author<sup>1</sup> on the strength of "the opinions of many learned men" who had examined the book and found heresies in it. On April 9<sup>2</sup> he cited Marsiglio to a council of the faithful to answer for his erroneous ideas. Under the date of October 23<sup>3</sup> of the same year John issued two new bulls. In one Louis of Bavaria is condemned for his opinions on apostolical poverty, for giving support to Marsiglio, and for allowing him to teach and publish his heretical doctrines. The second is directed against Marsiglio in particular. John recites that in a synod of his cardinals, archbishops, bishops and other prelates, together with several masters in theology and professors of law, it had been decided to condemn five heretical articles which several Catholic men had taken from the *Defensor Pacis* and brought to him.

The five articles thus selected are put down and refuted in order :  
 1. Christ paid the tribute money to Cæsar, not voluntarily, but because He was forced by necessity. 2. Peter had no more authority than the other apostles and was not their chief; Christ, therefore, created no head of the Church and made no one His vicar. 3. All the temporalities of the Church are under the emperor, and he can institute, depose and punish the pope. 4. All priests, whether pope, archbishops, bishops, or simple priests, are by the institution of Christ equal in authority. If one has more authority than another it is because the emperor has given it to him. That which the emperor has given he can revoke and take away. 5. The whole Church is unable to punish any man by temporal punishment unless the emperor permits it.<sup>4</sup> For these heresies and for their refusal to come to a general council to which John had summoned them, Marsiglio and his friend Jandum are condemned as heretics, all persons are prohibited from helping them, and the faithful are enjoined to seize them so that they may be punished.

Towards the end of 1327 Louis of Bavaria, inspired by the advanced ideas<sup>5</sup> of Marsiglio, undertook his disastrous expedition to Rome, accompanied by Marsiglio and Jandum. On January 28, 1328,<sup>6</sup> John sent letters to his legate at Rome commanding him to seize the two heretics. This was followed by another to the same effect dated February 27, 1328,<sup>7</sup> and addressed to the same legate

<sup>1</sup> Martène et Durand, II. 683.

<sup>2</sup> Ibid., and *supra*, p. 411, note 4.

<sup>3</sup> Ibid., p. 704.

<sup>4</sup> Turrecremata, *Summa de Eccles.*, ed. 1489, lib. 4, pt. 2, c. 37, numbers these articles so as to get seven. He takes them from the *Extravagantes* of John XXII. They, however, no longer form a part of the *Corpus Juris Canonici*; cf. ed. Friedberg.

<sup>5</sup> Riezler, 42 ff.

<sup>6</sup> Martène et Durand, II. 716.

<sup>7</sup> Ibid., 723, 727.

and to other archbishops and bishops of Italy. John issued another process against them dated March 30.<sup>1</sup> Others to the same purpose came forth April 15 and May 21.<sup>2</sup> On May 20 Franciscus of Venice, one of Marsiglio's students at Paris, was examined before the Inquisition court sitting at Avignon, to find out if he or others had helped Marsiglio to write his heretical book.<sup>3</sup>

About 1328 Peter Palude, patriarch of Jerusalem, brought forth his *De Causa immediata ecclesiasticæ Potestatis* in favor of John, and directed against the heresies of Marsiglio.<sup>4</sup> Louis's decrees deposing John, April 18 and December 12, 1328,<sup>5</sup> were probably founded on the *Defensor*.<sup>6</sup> From that time on Marsiglio and his book figured in the numerous bulls issued by John against Louis and his followers. We thus find him in those of May 5 and June 15, 1329,<sup>7</sup> February 15,<sup>8</sup> July 22,<sup>9</sup> July 31 and September 6, 1330,<sup>10</sup> and January 8 and 21, 1331.<sup>11</sup>

In a letter addressed to the cities of Spires and Worms, dated October 29, 1329, the Emperor Louis made use of the *Defensor Pacis* by incorporating the ideas which Marsiglio had set forth in his introduction.<sup>12</sup> On May 30, 1329, John addressed a letter to the chancellor of the University of Paris, calling his attention to the publication of the process against Marsiglio and Jandum. The faculty of theology responded by condemning the *Defensor Pacis*, and reciting four of the five errors condemned by John in his bull of October 23, 1327.<sup>13</sup> Between 1330 and 1332 Alvarez Pelagius, a strong supporter of John XXII., in writing his *Summa de Planctu Ecclesiæ*,<sup>14</sup> undertook to refute the heretical opinions of Marsiglio. He confined himself, however, to the mere refutation of two<sup>15</sup> of the heresies which had been selected by John. He also wrote another work against Marsiglio, of which all traces have been lost.<sup>16</sup> In

<sup>1</sup> Ibid., 736.

<sup>2</sup> *Vat. Akten* and Reinkens, o. c., No. 431.

<sup>3</sup> Baluze, l. c.

<sup>4</sup> Paris, 1506, folio 48.

<sup>5</sup> Baluze, o. c., III. 240, 310.

<sup>6</sup> Preger, o. c., p. 12.

<sup>7</sup> Martène et Durand, II. 776, 777.

<sup>8</sup> Raynaldus, o. c., *sub anno* 1330, § XL.

<sup>9</sup> Ibid., § XXIX.

<sup>10</sup> Martène et Durand, II. 800.

<sup>11</sup> Ibid., 816. Raynaldus, 1331, § II.

<sup>12</sup> Müller, II. Beilage 16, p. 373. Cf., however, Ritter's reviews mentioned above.

<sup>13</sup> Bulæus, o. c., p. 216.

<sup>14</sup> Ed. Ulm, 1474. Riezler, 283, 301, gives the date of this work as 1331. Pelagius in his preface says he began it in 1330 and finished it in 1332.

<sup>15</sup> Fols. 92 vo. and 93, of Venice ed., 1560.

<sup>16</sup> Raynaldus, 1327, § 36. This is probably the same work which is elsewhere referred to as *Apologia contra Marsilium et Occamum*.



1331 Gerald Odo, the newly elected general of the Minorite Order, thought it proper to say something against Marsiglio and his ideas.<sup>1</sup> About the end of 1334 Louis opened negotiations with Cardinal Napoleon Orsini for the calling of a general council, but the cardinal refused to aid him unless he sent Marsiglio of Padua away from his court.<sup>2</sup> Alexander of St. Elpidio in his book *De Jurisdictione Imperii et Autoritate summi Pontificis*, written before the death of John, renewed the attack against the errors of Marsiglio.<sup>3</sup>

John XXII. died December 4, 1334, without being able to lay his hands on the arch-heretic. But his successor, Benedict XII., kept up the fight and succeeded in bringing Louis to submission. Louis sent a letter of such purport to Benedict October 28, 1336.<sup>4</sup> After condemning Cesena, Ockam and others, he goes on to condemn also Marsiglio and Jandum and to offer his excuses for allowing them to stay at his court. He says he thought they were good churchmen and he kept them by him because they knew a great deal about the law of the empire. If their opinions were against the faith and government of the Church he was unwilling to accept them. He wanted to use only such of their opinions as were for the defense of the empire. He never did believe their errors and he only kept them by him that he might reduce them to the will of the Church. He acknowledges that he was wrong in allowing them to preach against Pope John, but he had only allowed them to do it in order to give good churchmen an opportunity to refute their errors. Even in so doing he admits that he was wrong. John, he thinks, rightly condemned the five errors committed by these men and, like a good Christian, he joins in condemning them. He promises to destroy such heretics as the Church shall point out and especially Marsiglio and Jandum. This servile submission by Louis foretold the non-fulfilment of its promises. The negotiations, however, were continued. To Benedict's old demand that Marsiglio and the Minorites should be reduced to obedience to the Church, Louis replied in 1338 by proposing an assembly of laymen and clergymen before which Marsiglio and the Minorites should justify their opinions or undergo punishment. Benedict rejected this suggestion as well as the proposal that the men should be allowed a safe-conduct.<sup>5</sup> Later he changed his mind and agreed to allow them a safe-conduct, but Louis did not respond and the negotiations were broken off.<sup>6</sup>

<sup>1</sup> Raynaldus, 1331, § 10.

<sup>2</sup> Höfler, o. c., p. 11 ff.

<sup>3</sup> Natalis Alexander, *Historia eccl.*, Paris, 1672-86, VIII., pp. 40, 88.

<sup>4</sup> *Vatikan. Akten*, No. 1841.

<sup>5</sup> Raynaldus, 1339, § 6.

<sup>6</sup> Riezler, 312 ff. Preger, 24. Riezler's review of Preger, *Hist. Ztschr.*, XL. 326. Rohrmann, *Die Procuratoren Ludwig's des Baiern*, 1882.

Benedict issued an order for the further examination of the *Defensor Pacis*. This was carried out by Clement VI., with the result that more than two hundred and fifty heretical articles were extracted from it. In writing his *De Juribus Regni et Imperii* about 1339<sup>2</sup> Leopold of Bebenburg makes no mention of the *Defensor*, though Riezler thinks he made use of it.<sup>3</sup> In a speech of April 10, 1343, Clement says that "we have hardly ever read a worse heretic than this Marsiglio"—a remark which, when connected with the extraction of the two hundred and fifty articles, shows that the book had actually come into papal hands.<sup>5</sup>

On July 11, 1343,<sup>6</sup> Clement, in speaking against Louis in a consistory, again refers to Marsiglio as dead. Since that arch-heretic is gone, Clement turns his attention to Ockam. A few months later, on September 18,<sup>7</sup> Louis handed in a second submission, couched in almost the same words as that sent to Benedict, and expressing deep regret for the deeds which he had committed in connection with Marsiglio, Jandum and others. In connection with this submission Louis sent his messengers to Avignon in January, 1344. To them it was said that their master had erred in four great things, one of which was that he had received errors from Marsiglio, Jandum and Cesena and had believed them.<sup>8</sup>

How effective these numerous attacks by the popes on Marsiglio and his book were in keeping down the number of copies in circulation cannot be estimated. It certainly made his work widely known. Riezler<sup>9</sup> thinks Ockam must have used it in writing his *Dialogus*, though no mention is made of it. Conrad of Megenberg in his *Oeconomica*, written between 1352 and 1362, attacked the opinion of Marsiglio that it belonged to the emperor to choose the pope,<sup>10</sup> and Thomas of Strassburg, writing before 1353, attacked the opinions expressed in the *Defensor*, that it was no sin to associate with an excommunicated person and that excommunication itself was only an invention of the clergy.<sup>11</sup>

At some time before 1363 the *Defensor Pacis* was translated into French. At an inquisition held on the book somewhat later at Paris, a certain Richard Barbe said that he had heard that he who wrote the book had translated it. He had made further inquiries,

<sup>1</sup> Clement's speech of April 10, 1343, in Höfler, o. c., p. 20.

<sup>2</sup> Riezler, pp. 190, 302, puts the limits as 1338-1340.

<sup>3</sup> Ibid., p. 189.

<sup>4</sup> Höfler, l. c.

<sup>5</sup> Raynaldus, 1327, § 37.

<sup>6</sup> Höfler, l. c.

<sup>7</sup> *Vat. Akten*, No. 2167.

<sup>8</sup> Höfler, o. c., p. 23.

<sup>9</sup> P. 265.

<sup>10</sup> Ibid., 290.

<sup>11</sup> N. Paulus, *Thomas v. Strassburg u. Ludolph v. Sachsen*, in the *Historisches Jahrbuch* for 1892, XIII. 10.

but had been able to find out nothing.<sup>1</sup> That the author translated it is not improbable. We find Raoul de Presles and Philip de Mézières doing the same with works which they had written. This translation may have been Jandum's share in Marsiglio's work. In 1363 an anonymous writer made an Italian translation from the French.<sup>2</sup>

Shortly after this Gregory XI., who had come to the throne in 1370, got word of the French translation, which caused him much anxiety. The translator was thought to be some one connected with the faculty of theology of the University of Paris. That faculty in order to clear itself of any such suspicion appointed a commission for the inquisition of its members. This process,<sup>3</sup> which began September 1, 1375, continued from time to time until December 31 of the same year. Each member of the faculty after being put under oath was asked "if he had translated the book from the Latin into French; if he knew, had known, or had heard of any one who had translated it; and if he had any suspicion of anybody having translated the book." All returned negative answers. Richard Barbe replied as we have seen above. John of Dyodona said he had never heard of the book, and several other doctors and masters said they had heard from older doctors that Marsiglio and Jandum never were doctors or graduates of the faculty of theology. These overzealous denials, especially that by a man so prominent as Dyodona, raise the suspicion that the learned doctors knew more about the translation than they cared to admit. At any rate the inquisition came to a close without finding the translator, and he and the translation are as yet undiscovered. This process, like all of its kind, most likely made a great deal of noise, and was probably in part responsible for the great popularity and numerous editions of the very book which it was intended to suppress.

Attacks on the papacy of the same sort as were made by the *Defensor Pacis* were not wanting even during the time of Gregory XI. Among these was the famous *Somnium Viridarii* or *Songe du Vergier*, written by Philip de Mézières, or Raoul de Presles, about 1376 or 1377,<sup>4</sup> and borrowed largely from the *Dialogus* of Ockam and the

<sup>1</sup> Denifle, o. c., III. 225. *Histoire littéraire de la France*, XXIV. 344. Victor Leclerc makes several statements here not warranted by the sources.

<sup>2</sup> *Catalog. Codicum Ital. Bibl. Med. Laur.* (at Florence) by A. G. Bandini, 1778, p. 227, Cod. 26. On the history of the translation see F. Scaduto, *Stato e Chiesa*, Florence, 1882, p. 112.

<sup>3</sup> Denifle, III. 221-227. E. Richer, in his *Historia Academiæ Parisiensis*, Vol. III., MS. Latin. 9945, Bibl. Nat. Paris, mentions this process in speaking of Marsiglio, but adds nothing new.

<sup>4</sup> Karl Müller, *Zeitschr. für Kirchenrecht*, XIV. 134-205 (1877). Latin text in Goldast, o. c., I. 58-229. French text in *Traitez des Droits de l'Église Gallicane*, II., p. 1 ff.

*Defensor Pacis* of Marsiglio. Meantime Wiclif had begun to attack the authority of the popes. Between 1370 and 1377 he wrote his tract *De Civili Dominio*. Its dangerous doctrines soon attracted the attention of Gregory XI., who, on May 22, 1377,<sup>1</sup> sent a bull to the University of Oxford commanding that the heresies of Wiclif should not be taught there, and accusing him of borrowing his errors, *mutatis mutandis*, from Marsiglio and Jandun, whose heretical opinions had been condemned by John XXII. The accusation is repeated in bulls of the same date, addressed to the archbishop of Canterbury, the bishop of London and King Richard II., and nineteen of Wiclif's heretical opinions, which had given rise to Gregory's assertion that Wiclif had borrowed them from Marsiglio and Jandun, were selected from his *De Civili Dominio*<sup>2</sup> and sent to England.

In 1378 the Great Schism broke out. Attempts to put an end to this serious division in the Church gave rise to the conciliar movement, and the writers in favor of this movement naturally turned to the literature which had gone before. In this no work seems to have been used so much as the *Defensor Pacis*. On Gerson its influence cannot be traced distinctly. Ailli nowhere mentions it directly, though he used the *Songe du Vergier*, which was compiled in part from the *Defensor*.<sup>3</sup> Dietrich von Niem in writing his *De Modis uniendi ac reformandi Ecclesiam* (c. 1410) and his *Avisamenta pulcherrima de Unione et Reformatione Membrorum et Capitis fienda* (c. 1414), also called *De Necessitate Reformationis*,<sup>4</sup> borrowed many passages from it. Nicolaus von Cusa in his *De Concordantia Catholica*, written between 1431 and 1434, mentioned Marsiglio and was evidently much influenced by his book, though he was anxious to have it understood that he was not a follower of his.<sup>5</sup> In 1443 Matthias Döring in writing the famous *Confutatio Primatus Papæ* borrowed numerous passages bodily from the *Defensor Pacis*.<sup>6</sup>

In spite of the zealous advocates of the power of a general council, the conciliar movement failed to attain its end and the Great Schism was only brought to a close by Nicholas V. about the mid-

<sup>1</sup> Walsingham, o. c., I. 345 ff.

<sup>2</sup> Ed. R. L. Poole, London, 1888. Cf. also *Fasciculi Zizaniorum*, ed. W. W. Shirley, London, 1858, pp. 245-256.

<sup>3</sup> Tschackert, o. c., pp. 42-43 and App.

<sup>4</sup> H. Finke, *Forschungen u. Quellen zur Gesch. des Konstanzer Konzils*, Paderborn, 1889, pp. 132-149. Also the *Römische Quartalschrift für Christ. Alterth. u. f. Kirchengesch.*, VII. 226.

<sup>5</sup> *Opera*, Basle, 1565, pp. 683-825. Also F. A. Scharpf, *Der Cardinal u. Bischof N. von Cusa*, Tübingen, 1871, pp. 6-10, 33, 76-77.

<sup>6</sup> On the authorship of this work see P. Albert, o. c., and Holzer, *Mitt. d. Inst. f. d. Geschichtsforschung*, XV. 152. A detailed comparison of this work with the *Defensor* is made by Albert.



dle of the fifteenth century. The impossibility of reforming the Church from within gave rise to the reformation from without.

In the Reformation as in the conciliar movement the *Defensor Pacis* played an important part. In 1512 Jacques Almain made use of it in writing his *Expositio de suprema Potestate ecclesiastica et laica* and his *De Auctoritate Ecclesiae*.<sup>1</sup> Luther was accused by a contemporary, Albert Pighio,<sup>2</sup> of having taken a large number of his errors from it. In 1522 a German calling himself "Licentius Evangelus, priest,"<sup>3</sup> brought forth the first edition of the *Defensor Pacis*. His preface is a long tirade against the rich and against the maladministration of justice, and he rails against the papacy as the cause of these and other evils. In this respect it is a sort of abstract of the *Defensor* and the intention of the editor in bringing Marsiglio's book to light was evidently to put into the hands of reformers the best weapon that he could find against the Church. Notwithstanding his evident intention the editor finishes the work with the statement that he had edited the book with no other purpose than to "promote the commonweal and bring truth to light."<sup>4</sup>

This edition made the *Defensor* yet better known. Its influence on

<sup>1</sup> *Opera*, ed. 1518, Paris.

<sup>2</sup> O.c., p. 4 of preface and fol. 239 vo.

<sup>3</sup> Usually said to be Beatus Rhenanus, but A. Horawitz, in his thorough researches on the life and works of that reformer in *Sitzungsberichte der phil.-hist. Classe d. kaisert. Akademie d. Wissenschaften*, LXX. 189 ff., LXXI. 643 ff., LXXII. 623, and in his *Briefwechsel d. Beatus Rhenanus*, Leipzig, 1886, makes no mention of it. It seems impossible, even though (according to Goldast, o.c., Diss. I.), Rhenanus's contemporary Lavater says so, that Rhenanus should have written such a violent preface. J. W. Blaufuss, in his *Beiträge zu seltenen Büchern*, II. 92, attributes the preface to Zwingli on untenable grounds. Stähelin in his *Huldreich Zwingli u. sein Reformationswerk*, 1884, does not mention it. Wolfgang Weissenberg in his preface to the *Antilogia Papæ*, published at Basle by Matthias Flacius Illyricus, in 1555, says that "Licentius" was Valentin Curio, the printer at Basle. This is supported by Ludwig Keller, *Die Reformation u. d. älteren Reformparteien*, Leipzig, 1885, pp. 327, 388. As Weissenberg merely used the name "vulgatum," this means published rather than edited. The book, however, does not even bear the press-mark of Curio; cf. Stockmeyer and Reber, *Beiträge z. Basler Buchdruckergesch.*, Basle, 1840, p. 154. The same "Licentius Evangelus" edited the *De Ordine docendi et discendi* of Baptista Guarini, published without mark; cf. C. G. Jöcher, *Allg. Gelehrt. Lexicon*, s. v. "Beatus Rhenanus." That the type used in this edition of 1522 resembles the type used by Curio in his other book (Keller, p. 379, n. 4), is no argument that Curio wrote the preface or even printed this edition. Keller thinks that the little verse preceding the text was written by Hans Denck (p. 379), though on what grounds does not clearly appear. That the writer of the preface was a German is clear from the context. Pighio, o.c., fol. 239, refers to the author as a "certain Lutheran." The identity of this "Licentius" thus remains uncertain.

<sup>4</sup> This edition in abbreviated Latin does not seem to be good. The editor makes no attempt to be critical. Cf. Denis, *Cat. Bibl. Palat. Vind.*, I., pt. II., p. 2057. Chapter VII. is joined with Chapter VI. in Book II. and the last chapter of Book III. is omitted. This has been printed by K. Müller, in *Götting. gelehrt. Anzeigen d. Königl. Gesell. d. Wissenschaften*, 1883, II. 923-925. There are also many mistakes; cf. Denis, l. c., and Riezler, p. 223, note.

the men of the times is undoubted, especially on the so-called "Brothers of Common Life."<sup>1</sup> Nor was this influence confined to Germany. In England, on the division between Henry VIII. and Rome, a certain William Marshall,<sup>2</sup> wishing to promote his interest at court and to advance the cause of the Reformation, translated, or had translated for him into English, this edition of "Licentius."<sup>3</sup> Marshall thought it was the best work against the authority of the popes,<sup>4</sup> and Cromwell himself was very favorably impressed, as he promised to lend twenty pounds towards the printing of it.<sup>5</sup> The translation was finished about April 1, 1533,<sup>6</sup> but did not appear in print until July 27, 1535. Four days later Dr. Thomas Starkey wrote to Pole advising him to read it.<sup>7</sup> Marshall sent several copies to the monks of the Charterhouse,<sup>8</sup> but their president prohibited them from reading it and they sent the copies back.<sup>9</sup> One monk, more zealous than his fellows, burned his copy.

When the publication of lists of prohibited books began, the works of Marsiglio naturally found a place there. The Emperor Charles V. in 1540, 1544 and 1546 issued edicts against the printing of heretical writings. It was left to the faculty of theology of the University of Louvain to decide which books were heretical and to publish lists of them. Such a list was made in 1546 and the works of Marsiglio of Padua figured among those fit to be "rooted out."<sup>10</sup> Henry II. issued edicts for France to the same effect in 1549 and 1551.<sup>11</sup> The lists were published by the faculty of theology of the

<sup>1</sup> Keller, o. c., pp. 379, 388. See, however, a review of Keller's book by Müller in the *Theolog. Stud. u. Kritiken* for 1886, p. 352.

<sup>2</sup> *Dict. Nat. Biog.*, Vol. 36, 1893. C. H. Timperley, *Encyc. of Lit. and Typog. Anecdote*, London, 1842, p. 259 ff. Ames, Dibdin, Herbert, *Typog. Antiq. of Gt. Brit.*, III. 416 ff.

<sup>3</sup> Three copies in Bodl. Library, Oxford. One copy in Brit. Museum. The translator has omitted Chapters 13, 14, 18 of Book I., Chapters 20, 21, 22 of Book II., many conclusions of Book III., and other parts throughout the book. The translator says that the parts omitted are not necessary for his purposes. The omission of Chapter 18 is interesting, as it is here that Marsiglio puts forward his theory of the responsibility of the executive to the people for his actions.

<sup>4</sup> *Letters and Papers of the Reign of Henry VIII.*, ed. James Gairdner, Rolls Series, XI., No. 1355.

<sup>5</sup> *Ibid.*, VII., No. 423.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, Vol. VIII., No. 1156. Starkey was the king's chaplain. He wrote *An Exhortation to the People instructing them to Unity and Obedience*. Cf. Strype, *Eccles. Memorials of the Church of England*, Oxford, 1822, I., pt. II., p. 266.

<sup>8</sup> *Letters and Papers*, IX., No. 523.

<sup>9</sup> Yet the *Defensor Pacis* had not figured among the list of prohibited books published in England about 1529; cf. Foxe, *Acts and Monuments*, London, 1567-1541, IV. 667.

<sup>10</sup> *Catalogue de Livres reprochés*, Louvain, 1546.

<sup>11</sup> Isambert, *Recueil de Ancien Loi Française*, Paris, 1822, XIII. 179.

University of Paris. In their list of 1556 we find under "ex libris Marsilii Patavini" the *Defensor Pacis* duly enrolled.<sup>1</sup> In the numerous indexes<sup>2</sup> "librorum prohibitorum" published at Rome before and after the Council of Trent the works of Marsiglio are to be found. In the second session of the Council of Trent rules to be followed in condemning books were formulated and an *Index Librorum prohibitorum* containing the *Defensor Pacis* was published in accordance therewith at Rome in 1558.

In 1538 Albert Pighio brought out his *Hierarchiæ Ecclesiasticæ Assertio*. In the *Epistola Nuncupatoria* he announces his intention of discussing the arguments on the ecclesiastical and imperial powers and of choosing as an antagonist Marsiglio of Padua. He chooses him because he is "the best representative of the opposition to ecclesiastical power" and because it was he who brought together "the strongest, the most numerous and the most ingenious arguments for the support of the imperial cause."<sup>3</sup> Pighio then devotes a considerable part of his work to the refutation of the ideas of Marsiglio as expressed in the *Defensor Pacis*.<sup>4</sup> In 1545 Max Müller, of Westendorff, made an abridged translation of the *Defensor Pacis*, calling it *Ain kurtzer Auszug des treffenlichen Wercks und Fridschirmbuches Marsilii von Padua*. He had made a complete translation, but owing to its length he omitted Book I., which deals with the state, and reduced to seven the forty-two conclusions of Book III. From these omissions we can see that his purpose was to use the book as a weapon against the Church and not as an exposition of the theory of the state.<sup>5</sup>

The name and work of Marsiglio remained ever fresh in the minds of the people during the Reformation. The Protestants, in their letter "super recusatione Concilii Tridentini" in 1562, referred to him as one among those who had written about the early abuses of the Church.<sup>6</sup> Charles IX., in a letter to Pius IV., also makes reference to him.

In 1592 Francis Gomar, the Calvinist and anti-Arminian, brought out a new edition of the *Defensor Pacis*, praising its author and recommending it to Henry IV., of France, as especially useful

<sup>1</sup> *Catalogue des Livres censurés par la Faculté de Théologie de Paris.*

<sup>2</sup> Cf. L. Vallée, *Bibliog. des Bibliogs.*, Paris, 1883. -J. Petzholdt, *Bibliotheca bibliog.*, Leipzig, 1866, under "Catalogue," "Index," etc.

<sup>3</sup> O. c., p. 4.

<sup>4</sup> Ibid., folios 239-301.

<sup>5</sup> I have not seen this book. Cf. Graesse, *Trésor de Livres*, s. v. Marsilius, and Riezler, p. 194. It is dedicated to Ottheinrich, Count Palatine, and was published at Neuburg a. d. Donau, in folio.

<sup>6</sup> Goldast, I. Diss., see under "Ockam."



for showing the liberty and power of his kingdom against the popes.<sup>1</sup> In 1599 a new edition was published, but, excepting the addition of "Testimonia auctorum de Marsilio Patavino," it seems to be a reprint of the edition of Gomar.<sup>2</sup>

In 1612 Daniel Patterson, of Danzig, published another edition of the *Defensor*, calling it a work very useful and necessary for politicians and all students of letters, and prefacing it with a history of the struggles between the popes and the emperors, and the share of Marsiglio therein.<sup>3</sup> In 1613 Patterson had the same reprinted, not, however, under the title of the *Defensor Pacis*, but under that of *Legislator Romanus de Jurisdictione et Potestate, tam seculari, quam ecclesiastica*, as a general treatise on the priestly, military, agricultural and other orders of the state.<sup>4</sup> From these two editions by Patterson we see that the *Defensor* had ceased to be a mere weapon against the papacy, and had been taken up as a work on the state. Goldast, the great editor, in almost the same spirit incorporated it into his collection of texts on the ecclesiastical and imperial powers in 1614. It also appears in the reprints of this work in 1621 and 1668.<sup>5</sup>

In 1622 a new edition was published under the title: *Opus insigne Defensor Pacis*.<sup>6</sup> This was followed by another in the next year<sup>7</sup> entitled *Irenicum Politicum* and said to be a work necessary

<sup>1</sup> Frankfort. Like all subsequent editions, this is taken from the edition of 1522. Gomar, in his preface, says he intended to make a commentary on the work, but was prevented. He omits the preface of "Licentius Evangelus," but copies the marginal indexes of the edition of 1522, follows that edition in omitting the seventh chapter of Book II., gives a few more marginal notes and fills out the abbreviations.

<sup>2</sup> "Ex bibliopolio Comeliniano" (at Heidelberg, cf. Lelong, l. c.), called "Editio castigatio notisque et aliis auctior." With a few slight changes the preface of Gomar is reproduced. As authorities are given the bull of Gregory XI. to Richard II. of England, in 1378, selections from Zabarella's *Commentarius in Clementinas*, and from J. Papire Masson's *De Episcopis Urbis Romae*. Bound with it are Marsiglio's *Tractatus de Translatione Imperii* and a "Constitutio" of Louis IV. on electors.

<sup>3</sup> This edition is taken directly from the 1522 edition, and not from that of Gomar. After his own preface, Patterson puts that of Licentius. In other respects he follows the edition of 1522 exactly, except that he omits the marginal indexes, numbers Chapter VIII. of Book II. as Chapter VII., and fills out the abbreviations. The edition is dedicated to the consuls and senators of the republic of Danzig.

<sup>4</sup> Frankfort. Exactly the same as the above, except as regards title-page and date.

<sup>5</sup> Melchior Goldast, *Monarchia S. Romani Imperii*, 3 vols., Hanover 1611, 1613, 1614. The editions of 1621 and 1668 are of Frankfort. The *Defensor* is in Volume III. of these editions, and in Vol. II. of the first edition. Goldast copies the 1522 edition, fills out the abbreviations, and drops the marginal indexes. He prints the preface of Licentius separately in Vol. I., pp. 647-653, leaves out the index and the dedicatory poem, but puts the little verse "Philaethes" and part of the conclusion of Licentius at the end.

<sup>6</sup> Frankfort. I have not seen this edition. Cf. Riezler, p. 194.

<sup>7</sup> Frankfort. Evidently a reprint of Patterson's edition, though the prefaces of Licentius and Patterson are left out.

and useful "in these times of sedition and discord." The publisher addresses the reader in a preface which is very similar in tone to that of Patterson's editions. In 1692 another and last edition of this famous work appeared at Frankfort.<sup>1</sup>

In turning to trace the history of Ockam's works on the ecclesiastical and imperial powers we are at once struck by the slight importance which was attached to them by his contemporaries and followers. The first certain date that we have concerning him is that of a bull of John XXII. addressed to the bishops of Ferrara and Bologna and dated December 1, 1323.<sup>2</sup> Here John makes inquiries in regard to a certain sermon which Ockam was said to have delivered at Bologna, and which was opposed to the pope's conception of apostolical poverty. If this was true Ockam was to be arrested and brought before the pope for examination. Shortly afterwards he seems to have been arrested and taken to Avignon, where he awaited trial for his heretical opinions. He was there for almost four years and seems to have been closely confined during seventeen weeks of this period.<sup>3</sup> On May 25, 1328, he managed to escape and in company with Cesena and others fled to Pisa, which was under the control of the officers of Louis of Bavaria, who was in Rome.<sup>4</sup> Three days later John sent a letter to all bishops and princes commanding them to seize Ockam for fleeing from his trial for heresy.<sup>5</sup> On June 6 of the same year the pope in a bull recited the story of their escape, excommunicated them and in particular said that Ockam had in dogmatic form uttered many heresies.<sup>6</sup> In a bull of June 20 he informed the archbishop of Milan and his suffragan bishops of the excommunication of Ockam and the others.<sup>7</sup> In the same year, or in 1329, he sent letters to various German princes commanding the arrest of the heretics.<sup>8</sup> On March 7, 1329, he sent letters to the same effect to the various archbishops of Germany.<sup>9</sup> The letter to the archbishop of Cologne was read publicly

<sup>1</sup> I have not seen this. Cf. Friedberg, o. c., p. 121.

<sup>2</sup> Wadding, *Annales Minorum*, VII. 7, and Raynaldus, 1323, § 62.

<sup>3</sup> Poole, *D. N. B.*, p. 357; Baluze, *Misc.*, III. 244; I have verified Müller's reading of "annis" and would say that Poole's doubts are unfounded.

<sup>4</sup> *Ib.*, and Denifle, o. c., II. 290. The words which Ockam said to Louis on meeting him later are first reported not by Trithemius, as Poole thinks, but by a chronicler who wrote about 1349. See Riezler's edition of *J. Turmair's Werke*, 1883, III. 587 ff.

<sup>5</sup> Reinkens, o. c., No. 433.

<sup>6</sup> Martène et Durand, o. c., II. 750. A bull of similar contents and of the same date was addressed to the archbishop of Palermo and his suffragan bishops. Cf. Ficker, *Urkunden zur Gesch. des Römerzuges Kaiser Ludwig des Baiern*, n. 130, pp. 765 ff.

<sup>7</sup> *Vat. Akten*, No. 1044.

<sup>8</sup> *Ibid.*, No. 1105. Reinkens, o. c., No. 474, without authority gives the date as April 2, 1329.

<sup>9</sup> *Vat. Akten*, No. 1143.

June 30 in the cathedral.<sup>1</sup> On April 21, 1329, the pope published another bull similar to that of June 6, 1328.<sup>2</sup> About June 11, Gerald Odo, the Minorite General, condemned Ockam and others and prohibited the other members of the order from having anything to do with them.<sup>3</sup> By a bull of April 2, 1330, John commanded all ecclesiastical persons of Germany to lay hands on the culprits.<sup>4</sup> In a letter of July 31, of the same year, he increased his charges against Ockam, declaring that he had preached various heresies publicly and written books full of heretical opinions and errors.<sup>5</sup> For this reason John had assigned his writings to several doctors for examination and they had declared that they had found many heretical articles in them. To what "writings" John here has reference is difficult to say. Poole thinks it may refer to his *De Qualitate Propositionum*, said to have been written by Ockam during his confinement at Avignon and to have been afterwards incorporated in his *Dialogus*, but Müller is probably right in thinking it refers to his earlier theological and philosophical works.<sup>6</sup>

On January 4, 1331, the pope issued another bull prohibiting anyone from assisting Cesena, Ockam and others and accusing them of asserting that Christ and his disciples had no property of their own, or in common, but merely a simple usufruct. The accused were further said to be guilty of holding the error for which Marsiglio had already been condemned, "that the emperor can depose the pope." For these and other reasons John summoned them to a general council of the faithful to be held on May 10. This bull and summons were to be affixed to the doors of the church at Avignon, and whether the heretics appeared or not they were to be proceeded against.<sup>7</sup> In the same year (1331) Geraldus, the general of the Minorites, opposed the errors of those heretics, which he summed up as follows :

1. The emperor may depose the pope. 2. The people and clergy of Rome may do the same. 3. That which was done in Rome by Louis of Bavaria against John XXII. was done legally. 4. Laws made by that pope, even if he is canonically elected, and makes them with the consent of the cardinals, are heretical. 5. To obey him is heretical.<sup>8</sup>

<sup>1</sup> Ibid., 1178.

<sup>2</sup> Bzovius, *Annal. Eccl.*, 1329, § 7.

<sup>3</sup> Ib., 1328, § 7, and 1331, § 2.

<sup>4</sup> *Vat. Akten*, No. 1288.

<sup>5</sup> Martène et Durand, II. 800.

<sup>6</sup> Wadding, o. c., VII. 82. *Dict. Nat. Biog.*, p. 358. *Allg. Deut. Biog.*, XXIV.

123.

<sup>7</sup> Martène et Durand, II. 828.

<sup>8</sup> Raynaldus, o. c., 1331, § 15.

When Louis made his offers<sup>1</sup> of submission to Benedict XII. in 1336 he used nearly the same terms of reproach against Ockam and Cesena that he had used towards Marsiglio. Louis, as we saw, changed his mind, and two years later sought the assistance of Ockam in drawing up an appeal from the pope to a general council.<sup>2</sup> About this same time Louis requested Ockam to write his work on ecclesiastical and imperial power, which was afterwards called the *Octo Quaestiones*.<sup>3</sup> On July 11, 1343, Clement VI., the successor of Benedict, made the speech against Louis and Ockam which we have seen above. In a letter of May 20, 1346,<sup>4</sup> to the masters and scholars of the University of Paris, Clement prohibited them from the study of the doctrines of several recent philosophers, among whom Ockam was no doubt included.

Ockam died in 1349 or shortly after, but before his death he took some steps towards reconciliation with Clement VI. In letters of November 29, 1347, and June 8, 1349, Clement made this reconciliation dependent on several conditions.<sup>5</sup> Ockam was to promise to believe as the Holy Catholic Church believed, was to declare heretical the statement that the emperor could select, create and depose the pope, to obey the present pope and his successors, to renounce the heretical opinions of Louis of Bavaria and Michael of Cesena, and to promise to give no help to the enemies of the Church. These articles were not hard to comply with, but Ockam rejected them at first and was cited to appear before the papal court.<sup>6</sup> It is uncertain whether he ever agreed to them or not. Since in his *De Electione Caroli IV.*, written in 1348, he had already rejected almost the same demands, it seems hardly probable that he would have now accepted them. Minorites<sup>7</sup> naturally say that he did agree to them and that he died a good Christian, but Raynaldus<sup>8</sup> denies it. His name at least ceases to appear in the bulls of the popes.

Apart from mention in the papal bulls, Ockam and his anti-papal works attracted very little attention. The authors who wrote in favor of the popes give him only incidental mention as one among

<sup>1</sup> *Vat. Akten*, No. 1841.

<sup>2</sup> It is to be noticed that here, and in the Diets of Rhense and Frankfort, where the influence of Ockam was felt, the emperor is put below the pope. Riezler, pp. 96, 105. Müller, II. 80-81. For Ockam's moderation Thomasius, in his *Historia Contentionis inter Imperium et Sacerdotium*, 1722, p. 107, had the greatest contempt, terming Ockam an "adulator, homo ambidexter, neutralista, timidus, . . . . pessimum genus hominum ad maximas turbas in Republica excitandas," etc.

<sup>3</sup> Goldast, o. c., II. 391. "Illum autem dominum . . . . porrexit."

<sup>4</sup> Denifle, II., p. 287.

<sup>5</sup> Raynaldus, 1349, § 16. Müller, II. 253. Höfler, 30.

<sup>6</sup> Raynaldus, 1349, § 17.

<sup>7</sup> Wadding, o. c., VIII. 13 ff.

<sup>8</sup> O. c., 1349, §§ 16, 17. Bulaeus, o. c., IV. 317. Müller, II. 253.

many sharing the opinions of Cesena and others. As early as 1314 certain nominalistic doctrines had been condemned at Oxford.<sup>1</sup> By statutes of September 25, 1339,<sup>2</sup> and December 29, 1340,<sup>3</sup> the University of Paris prohibited the teaching of his philosophical doctrines, but said nothing of his religious and political teachings. So Ockam's influence lived by means of his works on philosophy rather than by his works on Church and state.<sup>4</sup> It was thus that Nicolas of Ulricuria was condemned at Paris in 1346 for the philosophical ideas which he had borrowed from the great nominalist.<sup>5</sup> About 1334 Jacob of Furno, cardinal-priest of St. Prisca, made a reply to the heretical opinions of Ockam, Cesena, Ekkehardt and others, which had been condemned by John XXII.<sup>6</sup> About 1343 Louis used the *Dialogus* to convince Albert of Austria that Clement's process against him, Louis, was of no value.<sup>7</sup> In 1348 the general chapter of the Augustinian order prohibited the reading of Ockam's works under pain of excommunication.<sup>8</sup> In 1354 Conrad of Megenberg in his tract against Ockam's *De Electione Caroli II.* devoted himself to overthrowing Ockam's statements that the emperor could install or depose the pope and that the person chosen for king by the electors of Germany was emperor without the approval of the pope.<sup>9</sup>

Use of Ockam's works was shown in 1376 or 1377, when the author of the *Songe du Vergier* borrowed largely from the first and second part of his *Dialogus*. Lechler<sup>10</sup> says that Wiclif was influenced by Ockam, though no cases of direct borrowing can be found. In the conciliar movement Ockam was largely consulted for his philosophical ideas. It was thus that Gerson<sup>11</sup> and Ailli<sup>12</sup> used him, and Ailli even borrowed his words and ideas on the general council of the Church.<sup>13</sup> In addition Ailli made an *Abbreviatio* of the *Dialogus*.<sup>14</sup> Gelnhausen, Biel and Langenstein are said to have bor-

<sup>1</sup> *Munimenta Acad.*, p. 100, Rolls Series.

<sup>2</sup> Denifle, II. 485.

<sup>3</sup> *Ibid.*, p. 505.

<sup>4</sup> *Ibid.*, p. 590.

<sup>5</sup> *Ibid.*, pp. 576, 587, 590, 720.

<sup>6</sup> *Ibid.*, p. 322, and *Archiv. f. Litter. u. Kirchengesch.*, II. 638. The errors for which John condemned Ekkehardt were purely doctrinal and not political.

<sup>7</sup> Böhmer, *Fontes*, I. 447.

<sup>8</sup> N. Paulus, o. c., p. 6.

<sup>9</sup> Höfler, o. c., pp. 29-31. Megenberg's so-called *Tractatus pro Romana Ecclesia et Pontifice Johanne XXII. contra Wilhelmum Occam* is probably the same as the above. Cf. Lorenz, II. 359.

<sup>10</sup> O. c., I. 479.

<sup>11</sup> Schwab, *Johannes Gerson*, p. 291, and Riezler, p. 297.

<sup>12</sup> Tschackert, o. c., pp. 303 ff.

<sup>13</sup> *Ib.*, pp. 43, 44.

<sup>14</sup> Paris, Bib. Nat. MS. Lat. 14,579, fols. 88-101.

rowed Ockam's ideas on church government.<sup>1</sup> In 1473 Louis XI. condemned the nominalistic doctrines of Ockam and others.<sup>2</sup>

Henry of Zoemerren, professor at Louvain and deacon of Antwerp, at the instance of Cardinal Bessarion, made at Vienna an *Epitoma primae partis Dialogi de Hæreticis*, which was published in 1481.<sup>3</sup> In a dedication to the above cardinal, Zoemerren stated his intention to be to present a good work on heretics, and he seems to have labored under the impression that Ockam was on the side of the popes. In 1476<sup>4</sup> the first edition of the *Dialogus* appeared, part second bearing the title of *Tractatus de Dogmatibus Johannis XXII. Papæ*. The next complete edition of three parts was published in 1494.<sup>5</sup> Jodocus Badius, called Ascensius, the printer and poet, dedicated the work to the celebrated historian and theologian, Trithemius. As we see from this dedication and a poem by Badius, the *Dialogus* was brought to light by him and his father-in-law, Trechsel, not with any intention of having it used as a weapon against the papacy, but merely to promote the cause of literature and learning. In the next year the same men brought out the *Opus nonaginta Dierum* with a *Summaria seu Epitomata* of its contents.<sup>6</sup> The *Opus*, as we know from a note by Ockam, was to form the sixth part of the *Dialogus*. In 1496 Trechsel seems to have published a reprint of the *Opus*,<sup>7</sup> having in the previous year brought out the *Compendium Errorum Johannis XXII. Papæ*.<sup>8</sup> In 1496 he also edited the *Octo Quæstiones*, for which Badius wrote a preface dedicating the work to Alexander of Beneventum, of the order of Celestines.<sup>9</sup> This preface, like that to the *Dialogus*, shows no intention of editing the book for use against the ecclesiastical authority. In 1498 Trechsel published the *Dialogus* again, but made no changes in the preface.<sup>10</sup>

About 1512 Jacques Almain, theologian and professor in the College of Navarre at Paris, supported the theories of Ockam in a book which he entitled *Expositio de suprema Potestate ecclesiastica et laica circa Quæstionum Decisiones Magistri Guillelmi de Ockam super*

<sup>1</sup> Wenck, *Konrad v. Gelnhausen* in the *Hist. Ztschr.*, 1896, LXXVI. 13 ff.

<sup>2</sup> Bulaeus, o. c., V. 678, 706. Baluze, *Misc.*, II. 293.

<sup>3</sup> Louvain. Zoemerren objects to Ockam's numerous repetitions. Graesse, *Trésor de Livres*, is confused respecting this edition.

<sup>4</sup> Paris, Cæsar et Stoll. Called *Dialogorum libri septem adversus Hæreticos*. Cf. Hain, *Repert. Bibliog.*, Copinger's Supplement, No. 11,937.

<sup>5</sup> Lyons.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., cf. Hain, *sub* Ockam. The dates of the editions given by Goldast are impossible.

<sup>8</sup> Lyons. This did not appear with the *Opus*, as Hain, No. 11,935, would have us think, but separately.

<sup>9</sup> Lyons.

<sup>10</sup> Ibid.; cf. Hain, No. 11,939.

*Potestate summi Pontificis.* In a second work, *De Auctoritate Ecclesie*, written in the same year, he again makes use of Ockam's ideas on Church and state.<sup>1</sup>

In the Reformation Ockam's influence was felt. He was the only schoolman whose works Luther had on his shelves, and Luther was undoubtedly much influenced by his views on the Last Supper.<sup>2</sup> It was not these views of Ockam's, however, which met with disapproval from the Church, but rather his theories on the ecclesiastical and imperial powers. It was for these that his books written against John XXII. figured alongside of those of Marsiglio in the lists of condemned books and in the letters of Charles IX. and the Protestants which were mentioned above.

In 1546 the Englishman John Bekinsaw, in writing his *De supremo et absoluto Regis Imperio*, made use of Ockam's *Octo Quæstiones*. In 1598 Marquardus Freher published Ockam's tract on divorce along with that of Marsiglio. His *Dialogus, Compendium Errorum, Opus nonaginta Dierum, Octo Quæstiones* and the *Tractatus* on divorce found place in the three editions of Goldast's great collection. In 1600 Henry Canisius wrote a refutation of Ockam's and Marsiglio's tracts on divorce.<sup>3</sup>

From the two historical narratives thus presented, though necessarily incomplete, we may derive some estimate of the influence of the works of Ockam and of Marsiglio on their contemporaries and the men who came after them. We have seen that the popes and their supporters were in far greater fear of Marsiglio than of Ockam. It was Marsiglio whom they turned to refute. It was he who, as a certain cardinal thought, was the stumbling-block in the way of peace between the Emperor Louis and the popes. Ockam was also feared, but in far less degree. His theories attracted far less attention from the popes and their literary supporters. The errors of which he was accused were shared by a large number of men. They are never referred to as the errors of Ockam alone, but are always spoken of as those of "Cesena, Ockam, Bonagratia, Thalheim and others." Even as such they do not seem to have been strikingly original; one of them, at least, is exactly the same as an error of Marsiglio, which had been condemned before these men came into prominence.

Of Marsiglio's strong influence on the Emperor Louis there is no doubt. It was he who formed the chief support of Louis's

<sup>1</sup> *Opera Omnia*, Paris, 1518. Biographers who state that Alain wrote against Ockam are mistaken.

<sup>2</sup> J. W. Kettberg, *Ockam und Luther*, in *Theolog. Studien und Kritiken*, 1839, Vol. 12, pt. I., pp. 69-136.

<sup>3</sup> *Refutatio trium Tractatum*, Ingolstadt.



expedition to Rome, and it was only after the failure of that expedition that the more moderate counsels of Ockam and others prevailed. Not less strong than his influence on his contemporaries was Marsiglio's influence on the men who followed him. This is evidenced by the inquisitions held on his book, and by the several translations, numerous editions and frequent use of it.<sup>1</sup> Of Ockam's works we have found no translations, fewer editions and fewer cases of borrowing. If, then, Ockam was and has been better known than Marsiglio it has been because of his philosophical rather than his political works. In this respect he may be compared with Dante, whose *De Monarchia* became well known more because it was written by the great poet than from any great value it had as a work on political theory.

Both the works of Ockam and those of Marsiglio failed to do that which Wiclif's works did—they failed to reach the masses. It is exceedingly doubtful whether the democratic movements under Van Artevelde, Rienzi and Étienne Marcel had any such connection with the theories of Ockam and Marsiglio as had the Peasant's Revolt with those of Wiclif. It is just as doubtful whether the anti-clerical movement in the German cities in the second half of the fourteenth century had any inspiration from controversial writers like Marsiglio and Ockam, who wrote in the first half.<sup>2</sup> It was in the learned world that the influence of these two men was felt. It was here that Ockam's philosophical doctrines took hold, and it was here that Marsiglio's "system of the ecclesiastical power and its relations to the temporal . . . served as a starting point for all subsequent treatises on the ecclesiastical hierarchy."<sup>3</sup>

Marsiglio may have borrowed his theories of the state from Aristotle, but his theories of the relations between Church and state are original with himself. He did not borrow them from Ockam; the evidence against this is too strong and the only statement for it too weak. It is Marsiglio's originality and the history of his famous work which have served in our own day to make him an international celebrity possessing an interest not only "for the Germans, the Italians and the French," as Riezler says,<sup>4</sup> but also for the English.

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<sup>1</sup> In the controversies over the powers of the Church and the state, which took place in the sixteenth and seventeenth centuries, and which centered about the names of Belarmin and Barclay, the works of Marsiglio and of Ockam were referred to very frequently. Cf. Rocaberti, *Bibliotheca Maxima Pontificia*, Rome, 1695, 21 vols.

<sup>2</sup> Seidenberger in his *Die kirchenpolitische Litteratur unter dem Kaiser Ludwig dem Bayern und die Zunftkämpfe vornehmlich in Mainz* in the *Westdeutsche Zeitschrift für Gesch. u. Kunst.*, VIII. 101, and Bezold, *Volkssouveränität* in the *Hist. Ztschr.* XXXVI. 349 (1876) are inclined to overestimate the influence of medieval theories.

<sup>3</sup> Schwab, *Johannes Gerson*, Würzburg, 1858, p. 30.

<sup>4</sup> Review of Labanca's *Marsilio da Padova* in *Hist. Zeitschr.*, XLIX. 123 (1882.)

## LUCERO THE INQUISITOR

In January, 1481, the Inquisition was formally established by Ferdinand and Isabella in Seville, whence it was gradually extended until Castile was covered with an organization of tribunals. Although viewed with disfavor by a considerable portion of the population, even among the Old Christians who were not threatened by it, there was no overt resistance for a quarter of a century. It was impossible however that the arbitrary and virtually irresponsible power lodged with the inquisitors should not be frequently abused, although Ferdinand, as a rule, endeavored to hold it in check, and at last the excesses of Diego Rodriguez Lucero, the senior inquisitor of Córdoba, provoked an explosion which produced a salutary though not permanent effect. The story has been often told, but fresh documentary evidence in my hands throws some new light on details which perhaps may justify the endeavor to present it more completely than has hitherto been possible, especially as it affords some new light on a turning-point in Spanish history.

The first glimpse we have of Lucero is in the year 1500, when we find him already in position in Córdoba and in favor at the royal court. A letter of Ferdinand, July 27, to Andrés de Medina, receiver of confiscations there, orders the payment to him of 20,000 maravedis as an *ayuda de costa*, or gratuity over and above his salary, to reimburse him for his expenses in travelling to Granada and Malaga and other places, for the jurisdiction of the tribunal of Córdoba extended at that time over the recently conquered kingdom of Granada.<sup>1</sup> This is followed by another letter of December 11, cordially thanking Lucero for the ample details contained in a recent despatch from him relating how he was every day discovering new heretics: he is urged to spare no effort for their punishment, especially of those who have relapsed, and to report at once everything that he does.<sup>2</sup> He scarce needed this stimulus, for the

<sup>1</sup> This and the following incidents are derived from the letter-books of Ferdinand on the affairs of the Inquisition, preserved in the Archives of Simancas, Consejo de la Inquisición, Libros 1 and 2. Unfortunately in the series there is a gap covering the years of the Cordovan disturbances.

<sup>2</sup> Inquisidor Lucero. Yo e la serenísima Reyna mi muy cara y muy amada mager vimos vuestra letra y tenemos vos en servicio porque tan por extenso nos escrevís. Y pues vedes lo que de cada día se descubre en ofensa de Dios nuestro Señor y contra nuestra santa fe Católica, deveys con mucha diligencia solícitud y esfuerzo entender en la correccion de los malos y especialmente se deve luego fazer justicia de aquellos que dezís

letter shows how actively he was at work securing victims by the methods which will presently appear.

The next evidence of his zeal is a letter of February 12, 1501, from Ferdinand and Isabella to Manoel of Portugal, their son-in-law, informing him of the numerous heretics recently discovered at Córdoba and how the heresiarchs Alfonso Fernandez Herrera and Fernando de Córdoba with his wife Elvira had fled to Portugal, whither Lucero despatched his alguazil to bring them back without waiting to obtain royal letters. The alguazil seized them, but before the king would grant license for their extradition he desired to see the evidence against them. This Ferdinand and Isabella declare would be a grievous impediment to the Holy Office and disservice to God, so they affectionately entreat Manoel to surrender them, for the honor of God, and to protect from maltreatment his officials who had aided the alguazil.

We may not uncharitably assume that a portion of the royal favor was due to the pecuniary results of Lucero's activity. By this time the confiscations of the property of heretics, which at first had afforded substantial relief to the royal treasury, were seriously diminished and in many places were scarce defraying the expenses of the Inquisition; the rich *conversos*, or New Christians, had been largely burnt or stripped of their wealth under the guise of penance, and the harvest was much reduced. That Córdoba, on the contrary, was producing increased returns is evident from a letter of Ferdinand, March 13, 1501, to the receiver Andrés de Medina, saying that he learns that there is much to be done there and authorizing the appointment of two assistants at a salary of 10,000 maravedis. For this productiveness Lucero received his reward in another *ayuda de costa* of 25,000 maravedis, granted to him September 16 of the same year, and that the confiscations continued to grow is manifested by orders drawn January 12 and 13, 1503, on Luis de Sotomayor, who was then receiver, for five hundred thousand maravedis to defray inquisitorial salaries elsewhere. Under the same date we have a further example of Lucero's activity in the sudden arrest of five of the official public scriveners. As these were the depositories of the papers of their clients, the sequestration of all of their effects produced enormous trouble, to relieve which Ferdinand ordered all private documents to be separated and to be put in the hands of another scrivener, Luis de Mesa. This illustrates another of the profits of persecution, for when these delinquents should be burnt or

que son relapsos, porque las conciencias no esten ocupadas e se vean que se faze castigo de tan publicas ofensas, y de lo que fizieredes todavia nos escrevit. De Granada, XI de Dezembro de mil y quinientos años.—Yo el Rey.

pronounced incapable of holding office, there would be five vacancies to be eagerly contended for by those able to pay for them, or, if any of the prisoners were released after a trial lasting from one to three or four years, their business would have been absorbed by rivals.

Already, in 1501, we find evidence of antagonism springing up between the civil authorities of Córdoba and the Inquisition. A royal letter of September 6 relates that when the receiver of confiscations, accompanied by Diego de Barrio, scrivener of sequestrations, was engaged in holding a public auction of confiscated property, the alguazil-mayor of the city, Gonzalo de Mayorga, ordered the public crier, Juan Sanchez, who was crying the auction, to come with him in order to make certain proclamations. The scrivener interposed, refusing to let the crier go; hot words passed, in which Mayorga insulted the Inquisition and finally struck the scrivener with his wand of office, after which the alcalde-mayor of Córdoba, Diego Ruiz de Zarate, carried him off to prison. The inviolability of the Holy Office was vindicated by a royal sentence in which Mayorga, in addition to the arbitrary penance to be imposed on him by Lucero, was deprived of his office for life, was pronounced incapable of filling any public position whatever and was banished perpetually from Córdoba and its district, which he was to leave within eight days after notification. Zarate was more mercifully treated with only six months' suspension from office. This severity to secular officials of high rank was a warning which all men might heed that Lucero was not to be trifled with.

Secure in the favor of the sovereigns, Lucero grew bolder and extended his operations, arresting and condemning nobles and gentlemen and church dignitaries, for the vacated benefices of the latter were spoils as welcome as the estates of the former.<sup>1</sup> A great fear fell on the whole population, for no one was safe and no one could tell where the next blow would fall. It was easy by abuse and threats, or if necessary by torture, to procure from the

<sup>1</sup> An example of this, set forth in a memorial from Córdoba to Queen Juana, throws much light on the unwavering support of Lucero by Ferdinand. The archdeacon of Castro was a youth of seventeen, the son of an Old Christian mother and a *converso* hidalgo. His benefice was valued at 300,000 maravedis of revenue and he was a fair subject for spoliation. He was arrested, was forced to confess and abjure, and was penanced so as to render him incapable of holding preferment. The spoils were divided between Cardinal Bernardino Carvajal, for whom bulls had been obtained in advance, Lucero, the royal treasurer Morales, and Juan Roiz de Calcena, Ferdinand's secretary; Lucero getting a canonry in Seville and some benefices in Cuenca, while Calcena received property estimated at 4,000,000 maravedis.—Arch. de Simancas, Patronato Real, Inquisicion, Legajo único, fol. 46.

The latter figure probably represents Calcena's total profits from Lucero's operations. He was Ferdinand's secretary in matters concerning the Inquisition, and he had thus full opportunity of keeping his master in ignorance.

accused whatever evidence was necessary to convict others, for the testimony of accomplices was always a fruitful resource in the inquisitorial process, and the circle of denunciation widened throughout all ranks, not only of the New Christians, but of the Old. Apologists of the Inquisition, from that time to the present, have endeavored to extenuate this by the suggestion that those compromised endeavored to secure allies by inculpating in their confessions men of rank and influence and unblemished character,<sup>1</sup> but in view of Lucero's methods, such a concerted effort, improbable in itself, would have been wholly superfluous, and even if true would be sufficient condemnation of the procedure which rendered it practicable by secrecy, suppression of the names of witnesses and virtual denial of opportunities for defence.

Thus Lucero horrified the land by gathering evidence of a vast conspiracy ramifying throughout Spain for the purpose of subverting Christianity and substituting Judaism, which required the most comprehensive and pitiless measures for its overthrow. Nothing was too wild to serve as evidence of this widespread plot. Maidens who were known never to have left the paternal roof were described as traversing the land on this unholy errand, some of them as drunken Bacchantes and others transported on goats by the powers of hell.<sup>2</sup> All the superstitions of the vulgar were invoked to excite detestation, to arouse alarm and to justify murder and spoliation. A single instance which happens to have reached us will illustrate the savagery with which Lucero protected Christianity from this assault. A certain Bachiller Membrequé was convicted as an apostate Judaizer who had disseminated his doctrines by preaching. Lists were gathered from witnesses of those who had attended his services, and these, to the number of a hundred and seven, were burnt alive at a single *auto de fe*. The prisons were filled with the unfortunates under accusation, as many as four hundred being thus incarcerated, and large numbers were carried to Toro, where at the time the inquisitor-general, Diego Deza, archbishop of Seville, resided with the Supreme Council of the Inquisition.

The reign of terror thus established was by no means confined to Córdoba. Its effects are energetically described by the Capitan Gonzalo de Avora in a letter, July 16, 1507, to the royal secretary Almazán. After premising that he had represented to Ferdinand, with that monarch's assent, that there were three things requisite for the good of the kingdom—to conduct the Inquisition righteously with-

<sup>1</sup> *Epist. Petri Martyris Angler.*, Epist. 370. Zurita, *Hist. del Rey Don Hernando* Lib. VII., Cap. xxix. Rodrigo, *Hist. verdadera de la Inquisición*, II. 238.

<sup>2</sup> *Epist. P. Mart.*, Epist. 385.

out weakening it, to wage war with the Moors and to relieve the burdens of the people—he proceeds to contrast this with what had been done. “As for the Inquisition,” he says, “the method adopted was to place so much confidence in the archbishop of Seville and in Lucero and Juan de la Fuente that they were able to defame the whole kingdom and to destroy great part of it, without God or justice, slaying and robbing and violating maids and wives to the great dishonor of the Christian religion. . . . As for what concerns myself, I repeat what I have already written to you, that the damage and injury which the wicked officials of the Inquisition have wrought in my land are so many and so great that no reasonable person on learning them would not grieve.”<sup>1</sup> The bishop of Córdoba, Juan de Daza, and all the authorities of the city, ecclesiastical and secular, in a petition to the pope, did not hesitate to assert that the object of all this was the confiscations, which the inquisitors habitually embezzled;<sup>2</sup> but, if this was difficult under the system of accountability organized and supervised by Ferdinand, there was ample opportunity for extortion and for the violence and rapine described by Avora, when a horde of officials, clothed in virtual inviolability, was let loose upon a defenceless population.

It was probably in 1505, after the death of Isabella, November 26, 1504, that the people of Córdoba first ventured to raise their voice in appeal to the inquisitor-general Deza. He offered to send the archdeacon Torquemada to Córdoba, where, with representatives of the cathedral chapter and of the magistracy, an impartial investigation should be made, but when the city accepted this proposition he withdrew it. A deputation of church dignitaries was then sent who asked him to have Lucero arrested and prosecuted. He replied that if they would make out accusations in legal form he would act as would best tend to the service of God and if necessary would appoint judges to whom they could not object.<sup>3</sup> The remedy proposed was futile, for all the evidence was in Lucero's hands and Deza alone could order the necessary investigation. Apparently recognizing that it was useless to appeal to Ferdinand, their next recourse was to Isabella's daughter and successor, Queen Juana, then in Flanders with her husband Philip of Austria. Philip was delighted with an excuse to exercise an act of sovereignty in the kingdom which Ferdinand was governing in the name of his daughter, and, on September 30, 1505, a *cédula* in the name of Philip and Juana was addressed to Deza, reciting that they had heard that since

<sup>1</sup> *Boletín de la Real Academia de la Historia*, XVII. 447-451.

<sup>2</sup> Archivo de la Catedral de Córdoba, Cajón I., No. 304.

<sup>3</sup> Arch. de Simancas, Patronato Real, Inquisición, Legajo único, fol. 46. Zurita, *Hist. del Rey Hernando*, Lib. VII., Cap. xxix.



the authorization of the Holy See was requisite, for, by a decree of Boniface VIII., the Inquisition had no direct jurisdiction over bishops, and Torquemada had vainly endeavored to get this limitation on his powers set aside. Ferdinand's intervention was necessary for this and after some delay he consented, for the inquisitor-general Deza had much influence with him, having been royal confessor and then tutor to the heir apparent, Prince Juan, at whose untimely death, October 7, 1497, he was at the bedside.<sup>1</sup> Ferdinand yielded, the inculpatory evidence of Talavera's family was sent to Rome, the ambassador, Francisco de Rojas, procured the papal commission for the archbishop's trial and forwarded it, June 13, 1506.<sup>2</sup>

Before it was despatched, however, Ferdinand's policy had changed with the arrival in Spain of his daughter Juana, the new queen of Castile, and her husband, Philip of Austria. Eager to gain the favor of the new sovereigns, most of the nobles were flocking to them, and with them the *conversos* or New Christians, who hoped to secure a modification in the rigor of the Inquisition. They had been aroused by the sufferings of their brethren in Córdoba, whose cause was their own, and they were becoming an element not to be disregarded in the political situation; they had already secured a hearing in the Roman curia, always ready to welcome appellants with money, and to sacrifice them after payment received; they had obtained from Julius II. commissions transferring from the Inquisition jurisdiction over certain cases—commissions which Ferdinand repeatedly asked the pope to withdraw, doubtless with success, as they do not appear in the course of events; they had even approached Ferdinand himself while in Valladolid with an offer of 100,000 ducats if he would suspend the Inquisition until after the

writes, June 9, 1506, to his ambassador Rojas, "Quanto á lo del Arzobispo de Granada, para con vos, lo que del se dice, confessiones son de sus mismas hermanas e parientes e criados e servidores."

<sup>1</sup> Davila, *Theatro Ecclesiastico, Iglesia de Salamanca*, p. 128 (Salamanca, 1618). Deza was not a mere cruel bigot, but was enlightened according to the measure of the times. He had written a Commentary on the Sentences and other books and has claims to respect as the patron of Columbus, befriending and encouraging him when disheartened by the incredulity of the court. Irving's *Life and Voyages of Columbus*, Book II., Chap. 3, 4; Book XVIII., Chap. 3.

<sup>2</sup> Dom Clemencin, *Elogio de la Reina Isabel*, Illust. XVIII., prints a noble and touching letter of reproof from Talavera to Ferdinand, dated January 23, 1507. He had had the direction of royal consciences too long to entertain any awe of royal personages. Spiritually he felt himself the king's superior and his perfectly frank simplicity of character led him to manifest this without disguise, while rebuking him in a spirit of the most genuine fatherly kindness.

Llorente, *Historia critica de la Inquisicion*, X. 184, prints an earlier appeal from Talavera to Ferdinand for his kindred and servants. From this it appears that the arrest of the officials of his church was made in the most offensive manner, in his presence and that of the people assembled on a public occasion.



arrival of Juana and Philip. This offer, he says in a letter of June 9, 1506, to Francisco de Rojas, he spurned, but we may perhaps doubt his disinterestedness when he adds that, as Philip has disembarked and is unfamiliar with Spanish affairs, he had secretly ordered Deza to suspend the operations of all the Inquisitions. As for the archbishop of Granada, he adds, as it would greatly scandalize the new converts of Granada if they thought there were errors of faith in him whom they regarded as so good a Christian, he had concluded to let the matter rest for the present, and would subsequently send instructions.<sup>1</sup> This dispatch of course reached Rojas too late to prevent the issuing of the commission to try Talavera, but it explains why the commission was suppressed when it arrived. Deza denied that he ever received it; it disappeared, and Talavera, in his letter to Ferdinand of January 23, 1507, manifests much anxiety to know what had become of it, evidently fearing that it might be opportunely found when wanted, as subsequently proved to be the case.

By the agreement of Villafañila, June 20, 1506, Ferdinand bound himself to abandon Castile to Philip and Juana; he departed for Aragon and busied himself in preparations to visit Naples, for which he set sail September 4. Philip assumed the government and disembarrassed himself of his wife Juana by shutting her up as unfit to share in the cares of government. He was amenable to the golden arguments of the conversos, and doubtless he had not forgotten the contempt with which his order of the previous year to suspend the Inquisition had been treated. His position towards it had become antagonistic and he was in no haste to revive its suspended functions. Ferdinand's secretary Almazán writes to Rojas, July 1, that the king and the grandees have imprisoned Juana and no one is allowed to see her; he has in vain sought to get some prelates to carry letters from her to her father, but no one ventures to do so; the grandees have done this to partition among themselves the royal power, the conversos to liberate themselves from the Inquisition, which is now extinct.<sup>2</sup>

The people of Córdoba were not remiss in taking advantage of the situation. They sent a powerful appeal to Philip and Juana in which they stated that their previous complaints had been intercepted through Deza's influence, and they accused Lucero of the most arbitrary iniquities. Among his other methods of obtaining testimony they said was the device of keeping in the Inquisition certain Jews of both sexes whose function it was to teach his prisoners Jewish prayers and ceremonies in order that they might be able to testify correctly

<sup>1</sup> Correspondence of Fr. de Rojas (*Boletín*, XXVIII. 444, 448).

<sup>2</sup> *Ibid.*, p. 452.

against those whom he desired to convict.<sup>1</sup> They asked that all the inquisitorial officials at Córdoba and Toro be removed and the whole affair be committed to the bishop of Leon. Philip referred the matter to Garcilasso de la Vega, the *comendador mayor*, and to Andrés del Burgo, ambassador of Maximilian I., two laymen, to the great scandal of all ecclesiastics.<sup>2</sup> The conversos were triumphant and the Inquisition succumbed completely. Its supreme council, including Deza himself, hastened to disclaim responsibility for Lucero's misdeeds in a letter addressed to the chapter of Córdoba in which it said that the accusations against him had seemed incredible, for even highwaymen spared the lives of the victims whom they robbed, but here not only the property, but the lives, of the unfortunates were taken and the honor of their descendants to the tenth generation. But after hearing the narrative of the Master of Toro there can no longer be doubt and to tolerate it would be to approve it. The chapter is therefore urged to continue to prevent these iniquities and their majesties will be asked to apply a remedy and to punish their authors.<sup>3</sup> The remedy applied was to compel Deza to subdelegate irrevocably to Diego Ramirez de Guzman, bishop of Catania, power to supersede Lucero and to revise his acts, which was confirmed by a papal brief placing in Guzman's hands all the records and prisoners in Córdoba, Toro and Valladolid.<sup>4</sup> Lucero endeavored to anticipate this by summarily burning his prisoners to get them out of the way, but after the *auto* was announced there came an order from the sovereigns which fortunately prevented the execution of his purpose.<sup>5</sup>

The relief of the oppressed seemed assured, but the situation was radically changed by the sudden death of Philip, September 25, 1506, for although Juana continued to be nominally treated as queen she exercised no authority. Deza promptly revoked Guzman's commission, took possession of the prisoners at Toro and sent the archdeacon of Torquemada to Córdoba to do the same, but Guzman's representative, Francisco de Osorio, refused to obey. The people of Córdoba were in despair. It was in vain that they sent delegations to Deza and petitioned the queen to save them; some of their messengers were intercepted at Toledo by Deza's orders; others succeeded in reaching the court, but the queen refused

<sup>1</sup> Archivo de la Catedral de Córdoba, Cajon A, n. 5. Arch. de Simancas, Patronato Real, Inquisicion, Legajo único, fol. 46.

<sup>2</sup> Zurita, *Hist. del Rey Hernando*, Lib. VIII., Cap. xi.

<sup>3</sup> Archivo de la Catedral de Córdoba, Cajon I, n. 302. This letter is signed by Deza and the members of the council.

<sup>4</sup> Ibid., Cajon I, n. 300.

<sup>5</sup> Archivo de Simancas, Patronato Real, Inquisicion, Legajo único, fol. 46.

to act in this as in everything else. On October 16 the cathedral chapter assembled to consider the situation. The canons protested that they held the Inquisition in due respect, but in view of Lucero's assertion that they all, together with the greater part of the nobles and gentlemen of the city and other places, were apostates who had converted their houses into synagogues it was resolved that they should defend themselves. In fact some of the most prominent dignitaries of the church had already been arrested and had been treated by Lucero as Jewish dogs, the most deadly insult that could be offered to a Spaniard of the time.<sup>1</sup>

If the eclipse of the royal authority had enabled Deza to restore Lucero to power, it also offered temptation to resistance. The grandees of Castile were aiming to recover the independence which they had enjoyed prior to the iron rule of Ferdinand and Isabella, and the land was fast approaching a condition of anarchy. The two great nobles of Córdoba, the Count of Cabra, Lord of Baena, and the Marquis of Priego, Lord of Aguilar and nephew of the Great Captain, were nothing loath to listen to the entreaties of the citizens. Meetings were held in which formal accusations against the inquisitor and promotor fiscal were laid before the Padre Fray Francisco de Cuesta, comendador of the convent of La Merced, who seems to have been put forward as the leader of the movement. He pronounced judgment ordering Lucero and the fiscal, Juan de Arriola, to be arrested and their property confiscated. Under the lead of the counts the citizens arose to execute the judgment. On November 9 they broke into the Alcázar, where the Inquisition held its seat, seized the fiscal and some of the subordinates and liberated the prisoners, whose recital of their sufferings inflamed still more the popular indignation, though no blood was shed, and Lucero saved himself by flight. The whole proceeding appears to have been orderly; a commission of ecclesiastics and laymen was appointed to whom the kinsmen and friends of the prisoners gave security that they should be forthcoming for trial as soon as there should be a king in the land to administer justice.<sup>2</sup> Deza lost no time, when the news of this reached him, and on November 18 commissioned his nephew, Pedro Juarez de Deza, archbishop-elect of the Indies, to prosecute and punish all concerned in the uprising.<sup>3</sup> What steps he took to effect this do not appear, but early in January, 1507, the bishop of Córdoba, in conjunction with the ecclesiastical and secular authorities, sent a solemn appeal to the pope in which

<sup>1</sup> Archivo de la Catedral de Córdoba, Cajón J, n. 295, 298.

<sup>2</sup> Lorenzo de Padilla, Crónica de Felipe I., *Colección de Documentos*, VIII. 153. Padilla adds that many of the prisoners had died of pestilence.

<sup>3</sup> Archivo de la Catedral de Córdoba, Cajón I, n. 301.

they asked him to appoint Archbishop Ximenes and the bishop of Catania or of Malaga with power to investigate and to act, and they followed this, January 10, with a supplication to Ferdinand, who was still in Naples, to support their request with the pope.<sup>1</sup> To this the answer of Julius II. was prompt and uncompromising. His instructions were that the Jews, pretending to be Christians, who had dared to rise against the Inquisition, must be extirpated root and branch; Deza is to labor night and day to suppress this pestilence before it spreads, to hunt up all who have participated in it and to exercise full severity in punishing them for their crimes.<sup>2</sup> With the papal decision thus emphatically in his favor, Lucero resumed his activity. On March 7, 1507, Peter Martyr writes from the court to Archbishop Talavera that his sister and his nephew, Francisco Herrera, dean of Granada (who had doubtless been released in the rising of November 9), have been arrested and thrown into prison in Córdoba. Talavera moreover was at last put on trial before the papal nuncio, Giovanni Ruffo, bishop of Bertinoro, and judges duly commissioned by the pope, and Peter Martyr details his earnest efforts to convince them of Talavera's holy life and spotless character, to which they replied that this may be so, but their business is to ascertain the secrets of the heart.<sup>3</sup>

When the evidence was sent to Julius, however, its worthlessness was admitted, and Pascual de la Fuente, bishop of Burgos, who chanced to be in Rome, bore emphatic testimony to the sanctity of the accused.<sup>4</sup> The papal decision was in his favor, but it came too late. On May 21 Peter Martyr exultingly writes to Talavera that the dean and his sisters, with their mother and the rest of his innocent family have been set free; but already he had gone to a higher tribunal. On Ascension Day he had walked bareheaded and barefooted in the procession through the streets of Granada; a violent fever set in, and after five days' illness he died, May 14.<sup>5</sup> He had accumulated no treasure, having spent all his revenues on the poor; he left no provision for his family, and the bishop of Malaga gave to his sister a house in Granada in which to live. His reputation for sanctity is seen in the accounts which were at once circulated, with universal credence, of the miracles wrought by him in healing the sick.<sup>6</sup>

<sup>1</sup> Ibid., Cajon A, n. 5; Cajon I, n. 304.

<sup>2</sup> Bulario de la Orden de Santiago, Lib. III., fol. 320 (Archivo Histórico Nacional). Below will be found the text of this brief, which is inedited.

<sup>3</sup> *Epistt. P. Mart. Angler.*, Epistt. 333, 334, 335.

<sup>4</sup> Pedraza, *Hist. Ecles. de Granada*, P. IV., Cap. xxxi.-xxxiv.

<sup>5</sup> *Pet. Mart.*, Epist. 342. Pedraza, *loc. cit.*

<sup>6</sup> *Pet. Mart.*, Epistt. 344, 457. The Inquisition, which had hunted him to the death, could never forgive him for his escape from it. When the Inquisitor-general Valdés, in

The reaction in favor of the Inquisition, led by Ferdinand and Julius II., had evidently been short-lived, for the political situation dominated everything, and king and pope were obliged to yield. Juana was keeping herself secluded with the corpse of her husband and was refusing to govern. The rival factions of the two grandfathers of Charles V., Maximilian I. and Ferdinand, each striving for the regency during his minority, were both desirous of securing the support of the conversos and thus the question of the prisoners of the Inquisition attained national importance as one on which all parties took sides. Ximenes, the Duke of Alva and the Constable of Castile, the heads of Ferdinand's party, met at Cavia and listened to the complaints against Deza, for which they promised to find a remedy. It may have been with a view to stimulate them that the friends of the prisoners negotiated with Maximilian's faction; they offered money to defray the expenses of troops to be sent to Castile to resist Ferdinand's return, and it was generally rumored that four thousand men were in a Flemish port ready to embark. It is not easy to penetrate into the secrets of the intrigues culminating in the settlement which assured the regency to Ferdinand, but Ximenes, who represented him, took advantage of the situation with his usual skill to further his own ambition, which was to gain the cardinal's hat and Deza's place, and for the latter of these the complaints of the conversos afforded substantial reasons.<sup>1</sup> Córdoba had petitioned the pope to commission him as its judge and his appointment would help to pacify the troubles. Ferdinand at length saw that Deza's sacrifice was inevitable; the way was made easy for him and he was allowed to resign. On May 18, 1507, Ferdinand writes to Ximenes from Naples that he had received the resignation and had taken the necessary steps to secure for him the succession; he has two requests to make—that Ximenes shall foster piety and religion by appointing only the best men, and that he shall exercise the utmost care that nothing shall be allowed to detract from Deza's dignity.<sup>2</sup>

1559, compiled the first Spanish Expurgatory Index, a forgotten controversial tract against the Jews, printed by Talavera in 1480, was resuscitated and condemned in order to include his name among forbidden authors (Reusch, *Die Indices Libror. Prohib.*, p. 232) and this was religiously continued through the long series of Spanish Indices down to the last one, in 1790 (*Indice Último*, p. 262).

<sup>1</sup> Zurita, *Hist. del Rey Hernando*, Lib. VII., Cap. xxix., xxxiv., xlii.; Lib. VIII., Cap. i., v. Zurita, who had himself been secretary of the Inquisition, doubtless reflects its traditions when he says that many murmured when they saw Ferdinand, to win over Ximenes, thus sacrifice Deza, for he was a most notable prelate, a man of great learning and devoted to the king's service.

<sup>2</sup> *Gomesii de Rebus Gestis a Fr. Ximeno*, Lib. III. (Compluti, 1569, fol. 77a). Deza retired to his see of Seville. How fully he retained Ferdinand's confidence was seen in 1508 when among the stern measures taken to subdue the rebellious nobles the Duke of Medina Sidonia was forced to fly to Portugal and his extensive territories were

The cardinalate had already been granted in secret consistory, January 4, and was published May 17.<sup>1</sup> The commission as inquisitor-general was dated June 5.

The hatred excited by Lucero had been too widespread, and the friends of the prisoners were too powerful, to be satisfied with the substitution of Ximenes for Deza, and there was doubtless an understanding that the matter was not to be dropped. Already, on May 1, Peter Martyr writes that it is reported that the imprisoned witnesses, corrupted by Lucero, are to be released and that he will expiate with due punishment his unheard-of crimes.<sup>2</sup> Some such promise was doubtless necessary for the pacification of the land, but the performance was postponed until the ebullition of indignation had time to subside. It assumed the shape of an action brought by the chapter and city of Córdoba before the pope, charging Lucero with the evil wrought by his suborning some witnesses and compelling others by punishment to testify that the plaintiffs were heretics. Julius commissioned Fray Francisco de Mayorga of Baena as apostolic judge to try the case, who on October 17, 1507, issued mandate that Lucero be seized and imprisoned in order to be held to answer according to law. Nothing further was done at the time, however, and the impatient citizens addressed a memorial to Queen Juana informing her of it and asking her to send some one to ascertain the facts and report to her.<sup>3</sup> The months passed away and it was not until May 18, 1508, that the Supreme Council of the Inquisition took independent action in the matter, when Ximenes and all his colleagues, except Aguirre, voted that Lucero should be arrested.<sup>4</sup> Peter Martyr intimates more than once that members of the council were suspected of complicity with Lucero, but that they did not act without first thoroughly investigating the matter, with its numerous witnesses and interminable masses of records of the trials, revealing an incredible accumulation of impossible and fantastic accusations, contrived to bring infamy on all Spain.<sup>5</sup>

It was apparently the first time that an inquisitor had been thus publicly put on trial to answer for his misdeeds, and it would seem to have been the object to render the occasion a solemn one, fitted

seized and placed in Deza's charge. (Zurita, Lib. VIII., Cap. xxv.) He was on the point of being elevated to the primacy of Toledo when he died, June 9, 1533, at the age of 80 (Davila, *op. cit.*, p. 131).

<sup>1</sup> Ciacconii et Oldoini *Vita Pontiff. Rom.*, III. 262 (Romæ, 1677). Ferdinand had applied for this as early as November 8, 1505, and had repeated the request, October 30, 1506.—Correspondence of Rojas (*Boletín*, XXVIII. 440, 457).

<sup>2</sup> P. Mart. Angl., Epist. 339.

<sup>3</sup> Archivo de la Catedral de Córdoba, Cajon I, n. 303.

<sup>4</sup> Biblioteca Nacional de Madrid, Sección de MSS., G. 61, fol. 208.

<sup>5</sup> P. Mart. Angler., Epist. 370, 382, 385.

not only to satisfy the national interest felt in the case, but to magnify the office of the accused by the scale of the machinery necessary to deal with him. Lucero was carried in chains to Burgos, where the court was residing, and was confined in the castle under strict guard. Ximenes assembled a *Congregacion Católica*, composed of twenty-one members besides himself, embracing a large portion of the royal council, the inquisitor-general of Aragon and other inquisitors, several bishops and other dignitaries—in short, a full representation of the piety and learning of the land. After numerous sessions, presided over by Ximenes, sentence was rendered July 9 and was published August 1 at Valladolid, whither the court had removed, in presence of Ferdinand and his magnates and a great concourse assembled to lend solemnity to this restoration of the honor of Castile and Andalusia, which had been so deeply compromised by the pretended revelations extorted by Lucero. It declared that there were no grounds for the asserted existence of synagogues, the preaching of sermons and the assemblages of missionaries of Judaism, or for the prosecution of those accused. The witnesses—or rather prisoners—were discharged and everything relating to these fictitious crimes was ordered to be expunged from the records of the Inquisition. To render complete the vindication of the memory of the victims, Ferdinand ordered to be rebuilt the houses in Córdoba which had been torn down under the provisions of the canon law requiring the demolition of the conventicles of heresy. Lucero was sent back in chains to Burgos, to be strictly confined in the castle, but, with the tenderness always displayed for inquisitorial aberrations, he was soon afterwards permitted to retire to the canonry in Seville, which he had acquired by the ruin of the archdeacon of Castro and where he long resided in peace.<sup>1</sup> Whether the confiscations were restored to their rightful owners and their heirs does not appear.

HENRY CHARLES LEA.

<sup>1</sup> Pet. Mart. Angler., Epist. 398. Llorente, *Memoria Histórica acerca del Trib. de la Inquisición*, pp. 145-50 (Madrid, 1812). *Gomesii de Rebus Ximenii* Lib. III., fol. 77 b. Llorente quotes from the MS. of Pedro de Torres, a contemporary fanatic supporter of the Inquisition, that a clause declared that those burnt in Córdoba had been justly punished. This, however, is incompatible with the terms of the sentence, with the restoration of the houses, and with the assumption of Peter Martyr, who was present, that the innocence of the accused was proved. After mentioning the imprisonment of Lucero he adds "Sed quid? mortene sua Thersites mille pensabit Hectorum aerumnas? Levabit miserorum curas, cordis anxii pressuræ medebitur aliquantulum se injuria damnatos, se sub iniquo judice causam habuisse, patefieri?"



## JULIUS II. TO INQUISITOR-GENERAL DEZA.

(Bulario de la Orden de Santiago, Libro III., fol. 320. In Archivo Historico Nacional.)

Venerabilis frater salutem, etc. Non sine summa animi molestia percepimus quosdam iniquitatis filios Catholicæ fidei rebelles qui cum Christiani sint judaicæ se perfidiæ participes præstant, officiales a te ad inquirenda hæreticæ pravitatis errata constitutos Cordubæ, quorundam adminiculo complicum, captivos fecisse et quod auditu quoque nefarium est multatos male et contumeliose habitos diu in vinculis detinuisse, quæ res cum pessimi prorsus ac perniciosissimi sit exempli, pro cura quæ Catholici gregis ab hæreticorum rabie defendendi, una cum apostolatus officio nobis est demandata mature providendum duximus, ne lues tam pestifera serpat ulterius neve sua contagione rectus commaculet. Quamobrem fraternitati tuæ cui jam pridie talia perquirendi facinora et reperta puniendi potestatem arbitriumque contulimus districte mandamus ut commissum sibi munus fervide et severe exerceat ac subnascentem in agro Domini zizaniam abolere et radicitus extirpare non cesset, fidelium defensionem ut par est die noctuque excubando. Præfatos vere qui tam abominandum scelus ausi sunt, cum suis complicibus et quicunque eis auxilium, consilium, favoremve ullum præstiterunt undique conquisitos ac debitis subjectos poenis exemplum cæteris statuas ne aliquando ad peccati similitudinem ex impunitate accendantur. Volumus autem hæc omni diligentia quamprimum a fraternitate tua curari et effici, nam exorientia tabiferæ pestis capita ne serpant, in ipsis statim principiis sunt opprimenda, ad quod per ecclesiasticas censuras et universa juris remedia ut magis expedire videbitur, appellatione remota, procedes, in contrarium facientibus nonobstantibus quibuscunque. Dat. Bononiæ.<sup>1</sup>

<sup>1</sup> Without date, but it must have been issued between November 10, 1506, when Julius II. entered Bologna, and February 22, 1507, when he departed.—Raynald. *Annal.* ann. 1506, n. 30; ann. 1507, n. 2.

## DIPLOMATIC MISSIONS TO THE COURT OF CHINA

### THE KOTOW QUESTION.

#### II.

THOUGH the Russian mission to Peking of 1654 was a failure, no evil ensued, and trade between the two nations along their frontiers continued as in the past. When negotiating with China the treaty of Nipchu in 1689, the Russians demanded that should one country send ambassadors to the other to communicate the leading events in the two empires, these ambassadors should be treated with every honor, that they should hand the letters of their masters *into the hands* of the emperor to whom they were sent, and that they should have entire liberty in whatever place they might be, even at court. To this the Chinese plenipotentiaries returned an evasive answer, saying that envoys would always be received with distinction, but that it was, of course, quite beyond the limits of their authority to pledge the emperor to any alteration in the ceremonials of his court.<sup>1</sup>

Ysbrandt Ides was the first envoy sent by Russia to the court of China after the conclusion of this treaty. He came there in 1692 and has left an interesting narrative of his journey, but tells us nothing of his audience with the Emperor K'ang-hsi.

In 1719 Peter the Great sent to China another envoy, Count Leoff Ismailoff, two accounts of whose journey have reached us, the one by Father Ripa, one of the Jesuits of Peking, the other by an Englishman, John Bell of Antermoney, a member of the embassy.<sup>2</sup>

On the 29th of November, 1720, Count Ismailoff made his public entry into Peking, with a retinue of ninety persons and to the sound of military music. A guard of five hundred Chinese soldiers cleared the way. A Russian officer, "well composed and accoutered" to impress the Chinese mind with the envoy's importance, and with drawn sword, opened the procession; then followed soldiers and a kettle-drummer, a number of servants and after them the count on horseback. On one side of him walked a man of gigantic stature and on the other a dwarf, while the gentlemen of the embassy, sec-

<sup>1</sup>See Du Halde, *Description*, etc., IV. 197.

<sup>2</sup>See *Memoirs of Father Ripa during Thirteen Years' Residence at the Court of Peking*, etc. (F. Prandi's translation), p. 115 *et seq.*, and John Bell, *A Journey from St. Petersburg in Russia to Peking in China*, p. 264 *et seq.*

retaries and servants brought up the rear, some on horseback, others on foot. They were lodged in the compound of the ecclesiastical mission, at present the Russian legation, and the outer court door was locked and sealed by the Chinese with the emperor's seal.

While the envoy was engaged in conversation on the day of his arrival with commissioners appointed to conduct negotiations with him, and among whom were several Jesuit missionaries, the dinner, consisting of fruits, confections and a piece of excellent mutton, sent him by the emperor, was brought in, and the commissioners requested the count to return thanks by making the accustomed prostrations. Ismailoff refused, alleging that he represented his sovereign, who was on equal terms with the emperor. He consented, however, to make an obeisance according to the custom of his own country, and with this the commissioners were forced to be satisfied.

All this was, of course, at once reported to the emperor, who thought to elude the difficulty by first inviting the envoy to a private audience. The count said he would accept it if he could present his credentials; he furthermore stated that when presenting them he would not make the prostration, but only the obeisance which European ambassadors made before the princes to whom they were sent. He also said that he must place the letter in the emperor's own hands, and not, according to Chinese custom, upon a table whence it was taken by a great officer of state and presented to His Majesty.<sup>1</sup> This was, of course, refused. When various other suggestions had been made to Ismailoff by messengers from the emperor as to how he might present his letter of credence, and all had been put aside by the ambassador as beneath the dignity of his high station, His Majesty, perceiving that he firmly persisted in his resolution, declared through his messengers that whenever he should send an ambassador to the czar he would stand uncovered before him, although in China none but condemned criminals exposed their heads bare, and should perform all the other ceremonies customary at Moscow. No sooner had they arrived at these words than the chief mandarin instantly took off his cap before the ambassador, and the latter, being thus satisfied, promised to perform the prostrations according to Chinese custom,<sup>2</sup> and also to place the

<sup>1</sup> At the present day this is the only point which the Chinese have not conceded. The letters of foreign sovereigns are still placed on a table, but *within reach* of the emperor.

<sup>2</sup> One of the Jesuits residing at Peking at the time says that the emperor ordered a high officer to perform before the letter of the czar the same prostrations the Russian envoy would have to make before him; after which the Russian did not hesitate to go through the prescribed ceremony of kotowing. See *Lettres Édifiantes et Curieuses*, III. 308.

letter upon the table in sight of the emperor sitting on his throne, so that one of the courtiers might afterward convey it to His Majesty.<sup>1</sup> The mandarin further stated that the ambassador had the imperial permission to repair to the gate of the palace in the same state in which he had entered Peking.

The audience took place on the 9th of December, at a place about six miles westward from Peking,<sup>2</sup> whither the ambassador and his suite repaired on horseback. After Count Ismailoff and the ninety men of his suite had been kept waiting, first for half an hour or so in a small building where they drank tea, and then in silence for a long while in the open vestibule of the great audience-hall, the emperor arrived, and took his seat on his throne of carved wood, raised five steps above the floor of the hall. He sat cross-legged; on his right were three of his sons seated upon cushions, and, a little further off, halberdiers, pages, eunuchs, his chief courtiers and some of the Jesuits, all standing. The emperor was dressed in a yellow tunic over which was a sable jacket. On his head was a small cap, the top of which was a large pearl, the only ornament he wore. At the foot of the throne, on the floor of the great hall, sat, upon cushions, in distinct rows, the first mandarins of the empire, the Kung-yeh, or dukes or lords of the imperial family, and many other mandarins of inferior rank. Before the throne, near the entrance of the great hall, stood a table prepared with sweetmeats, for His Majesty.<sup>3</sup> In the open vestibule, which was seven steps lower than the great hall, was another table, beyond which Count Ismailoff was made to stand. According to Chinese etiquette, the ambassador should have placed the letter upon this table, kneeling down in the vestibule; but the emperor ordered that the table should be brought into the audience-hall, and that the ambassador should also advance, which was a mark of honor.

Count Ismailoff then entered, and immediately prostrated himself before the table, holding up the czar's letter with both hands. The emperor, who had at first behaved graciously to the envoy, now thought proper to mortify him by making him remain some time in

<sup>1</sup> Bell's account differs somewhat from that given above, which is taken from Father Ripa's narrative.

<sup>2</sup> Bell's dates are in Russian style, twelve days earlier. Ismailoff was received in audience at Yuan-ming-yuan, the Summer Palace, a few miles west of Peking. Father Ripa transcribes the name of the palace where the emperor was then residing, Chan-choon-yuen.

<sup>3</sup> The emperor K'ang-hsi, who reigned from 1662 to 1723. Gemelli Careri, who saw him in 1695, says of him that he was "of stature proportionable, his countenance comely, his eyes sparkling, and somewhat larger than generally his countrymen have them; somewhat hawk-nosed, and a little round at the point; he has some marks of the small-pox, yet they do not at all lessen the beauty of his countenance." *Voyages round the World*, Pt. IV., Bk. II., ch. I. (Churchill's Collection, IV. 304).

this particular posture.<sup>1</sup> The proud Russian was indignant at this treatment and gave unequivocal signs of resentment by certain motions of his mouth and by turning his head aside, which, under the circumstances, was very unseemly. Hereupon His Majesty prudently requested that the ambassador himself should bring the letter up to him, and, when Count Ismailoff did so, kneeling at his feet, he received it at his own hands, thus giving him another mark of regard, and granting what he had previously refused.

After the presentation of the letter the ambassador, attended by the master of the ceremonies, returned to his former place in the open vestibule, but shortly after moved to the centre opposite the chair in which the emperor was seated. Behind the emperor stood his principal attendants, and further back a number of soldiers and servants.<sup>2</sup> When all present were thus marshalled in due order, at particular signals given by the master-in-chief of the ceremonies, they all went down on their knees, and, after the lapse of a few minutes, bent their heads thrice to the ground. "After this all arose upon their feet, then again kneeled and prostrated themselves three times. In this manner they kneeled thrice, and performed nine prostrations, which ceremony is known as *san kwei chin k'ou*, "the three kneelings and the nine head-knockings."

The ambassador was then conducted to the emperor's feet, and was asked by His Majesty what request he had to make. Count Ismailoff answered that the czar had sent him to inquire after the health of His Majesty, and to confirm the friendly relations that existed between them. To these inquiries the emperor replied in a very courteous manner; and then added that it being feast day, it would not be proper to discuss business, for which an audience would be granted at another opportunity. The ambassador was then allowed to sit down on a low cushion at the end of the row in which were the Kung-yeh, or dukes, and four of his principal attendants were placed behind him at the extremity of the next row, and the imperial banquet began, the emperor handing Ismailoff with his own hands some wine in a gold cup. After this a table of sweet-

<sup>1</sup> Bell (*op. cit.*, 272, 273) does not refer to this little incident. He says on the contrary that just as the count was about to place his credentials on a table in the hall near the door, the emperor beckoned for him to approach, and Ismailoff walked up to the throne, and kneeling, laid them before the emperor, who touched them with his hand. After this the ambassador was led back to the entrance to the hall, and there he and his suite performed the kotow.

<sup>2</sup> Bell (p. 273) says he pronounced the Tartar words *morgu* and *boss*, the first meaning to bow, and the other to stand; "two words which I cannot soon forget." Conf. Gemelli Carreri's account of the ceremonial in the times of the emperor K'ang-hsi, where he gives the correct *Chinese* expression used by the master of ceremonies on such occasions. Gemelli Carreri, *loc. sup. cit.*

meals was conveyed to the ambassador and that another group which were dishes from the emperor's own table, among others some boiled pheasants. There was music and dancing during the whole time of the banquet and various other amusements and it was nearly night before the emperor retired and the Russians left without further formality, "so well satisfied with the gracious and friendly reception of the emperor that all their former hardships were almost forgot."

A Portuguese mission under Alexander Metello Sousa Meneses reached Peking in May, 1707, and an interesting account of the discussion preceding its reception by the emperor is found in a letter of Father Fretterius, one of the Peking Jesuits, to his friend, Father Nyl<sup>1</sup>. Metello, when received by the emperor, placed in his hands the letter of the king of Portugal, John V., congratulating him on his accession, and then withdrew to the front part of the audience-hall, where he and his suite performed the three kneelings and nine head-knockings. After this he was given a cushion nearer the throne than that of any officials present. Here he, kneeling, made his address to the emperor, and on the whole comported himself with "such grace and courtliness" that the emperor said of him: "This man is agreeable and polished," and every two days thereafter he had dishes sent to him from his own table. The 7th of July Metello took his leave of the emperor at the Summer Palace and returned to Macao.

From 1684, or thereabout, when the British first gained a footing in China, until the end of the eighteenth century no endeavor was made by them to open direct diplomatic intercourse with the court of Peking, but in 1788 it was deemed advisable to send an embassy there to put, if possible, the relations between the two countries on some kind of regular and dignified footing. Col. Cathcart was then appointed minister to the court of Peking, but as he died while on his way to his post, the mission was deferred until 1792, when the Earl of Macartney was chosen ambassador, and in the latter part of July, 1793, he arrived off Taku bar at the mouth of the Peiho. Here he, his numerous suite, guards, musicians, etc., and the presents destined for the emperor were embarked on board native boats and taken with great pomp and ceremony to Tien-tsin. Lord Macartney was there told that the emperor would receive him at Jehol, outside the Great Wall, where he had gone to celebrate his sixtieth birthday, so he sailed on up the Peiho to Tung-chou, while, over the boats that bore him, gaily floated in the breeze Chinese

<sup>1</sup> Bell, *op. sup. cit.*, p. 277.

<sup>2</sup> *Lettres Édifiantes et Curieuses*, III. 548-55.

flags bearing in large characters "Ambassadors bearing tribute from the country of England."

From Tung-chou the embassy traveled to Peking, which it entered by the Chao-yang men, or eastern gate in the Tartar city, and passing round the palace and out by the western side of the Tartar city stopped in a village near the Summer Palace. It was decided by the Chinese that the presents destined for the emperor should be displayed in the audience-hall of the Summer Palace, and Lord Macartney was asked to prostrate himself before the throne, as the Dutch and other foreign envoys had done before him.

The ambassador agreed not only to perform the prostration, but also to conform to every exterior ceremony practised by His Imperial Majesty's subjects, and the tributary princes attending at his court, if a subject of His Imperial Majesty, of equal rank to his own, should perform, before the picture he had with him of His Majesty King George III., dressed in his robes of state, the same ceremonies that the ambassador should be directed to perform before the Chinese throne.

This proposition was forwarded to the emperor for his approval, but without waiting for an answer the ambassador set out for Jehol in his post-chaise accompanied by some members of his suite. On his arrival there the Chinese opened the audience question and, ignoring the propositions made previously by Lord Macartney, pressed him to perform the *kotow*, saying that it was a simple, unmeaning ceremony. They were willing to have some slight alterations made in the ceremonial so that it should not be exactly the same as that performed by the envoys of Korea, Liu-chiu and other vassal states; but Lord Macartney would only agree to bend upon one knee before the emperor, as he did before his king. According to the British official narratives of the mission this was accepted by the emperor, and the audience took place shortly after in a tent in the palace gardens, where the ambassador was kept from before dawn awaiting the emperor's arrival.

There is a strong suspicion in the minds of many that Lord Macartney made the detested prostrations. Æneas Anderson, a member of the embassy, but who, it is true, was not present at the audience, says that the ceremonial followed was kept a profound secret by those who witnessed it, and intimates that something that had to be concealed then happened.<sup>1</sup> The Chinese on their side emphatically assert that Lord Macartney kotowed.<sup>2</sup> Furthermore the Russian interpreter, Vladykin, who was in Peking at the time, and other

<sup>1</sup> Æneas Anderson, *Narrative of the British Embassy to China in 1792-93*, p. 193.

<sup>2</sup> Henry Ellis, *Journal of the Proceedings of Lord Amherst's Embassy to China*, 92.



persons who must have had some information of everything that was going on. The British ambassador had received the three envoys and was well-informed.

However this may be, Lord Macartney left Peking after a few days and returned to Peking where he was given the emperor's very laudatory and highly unsatisfactory answer to King George's letter, and a decree that it were as soon as possible was answered to him by the holy council, which had shown itself throughout most unfriendly and often obstructive. With this the embassy turned away and re-embarked in the ship evening 1<sup>st</sup> of March.

I shall only refer briefly to the Dutch mission to Peking in 1794, under Teding of the Council of Batavia and Van Braam, chief of the Dutch factory at Canton, which was sent with the avowed purpose of congratulating the emperor. On reaching at his exact birthday. It travelled overland from Canton, hurried along most of the way it was several times refused the envoys, and reached Peking in a cold winter night in January, 1795.

After passing a miserable night in a dirty inn outside the gates of the Tartar city, without ever anything to eat, the embassy was driven by a circuitous route around the imperial city and lodged in some dirty little buildings, not far to the west from where now stands the British Legation, possibly in some one of the little ones in the No. 100 now used and probably then used by Mongols on their winter visits to the capital.

The morning after their arrival an official with a red coral button and a peacock feather in his hat brought the ambassadors a large surcingle sent them from the palace, and the envoys received the gift in the courtyard, kneeling and knocking their heads on the ground. They were told that the emperor would receive them the next day, and that they must not fail to powder their hair and to be ready by three o'clock in the morning. They were driven off in carts and reached the palace by five o'clock. Coming to the west side of the imperial city, near where now stands the Protestant Catholic cathedral, they waited, first in one then in another of the little guard-houses near the gate, laughed at and stared at by the noisy, dirty crowd. At last day broke, they were led into the imperial city, across the marble bridge, and then ordered to kneel by the side of the road in company with some Korean envoys and a lot of Mongols, there to await the passage of the emperor, who was shortly to pass by on his way to one of the pavilions along the northwest shore of the Northern Lake.

<sup>1</sup> Abel Rémusat, *Mémoires Asiatiques*, I. 450-441. Also Barré P. O. Mevius, *Annales de l'Exil*, II. 111.

<sup>2</sup> See Sir George Staunton, *An Historical Account of the Embassies to the Emperor of China*, pp. 250-325.

When the imperial cortège reached the Dutch, their letters of credence were taken from them while they prostrated themselves before the emperor seated in his yellow sedan-chair. The emperor stopped a minute, and learning who these strange, powder-headed creatures were, asked the age of their prince and if he were in good health, and then passed on.

The Dutch were then led into the gardens surrounding the frozen lake and into a pavilion near that in which the emperor was breakfasting. Here some food was given them, and they again prostrated themselves before these gifts from the emperor's table. After this they were taken back into the park to witness the Chinese skating, and to see the emperor in his sleigh, and they showed their proficiency in the art of skating, much to the delight of the coolies, soldiers and palace servants. When the emperor, a little later, returned to his palace the Dutch appear to have been led into the Forbidden City, where they were received by Ho Chung-t'ang, one of the members of the Inner Council, probably, before whom they also kneeled and then remained standing all the while he addressed them.

During the rest of their sojourn at Peking the Dutch were treated as freaks of nature, to be stared at and to afford amusement for the crowd. They were even led to the palace to be looked at by the women; they were refused permission to see any of the missionaries; they were half starved and frozen; they had to be at the palace every day, and were made to prostrate themselves so often and before so many persons that they were on the point of rebelling. Finally the presents from the stadtholder were delivered, and return presents and a letter sent by the emperor given them; and after having been in Peking forty days, they left it again on the 14th of February, apparently much sadder but wiser men.<sup>1</sup>

In 1805 the Russian government sent, at the request of that of China, an embassy to the court of Peking. It was organized on a most brilliant scale, and was led by Count Golovkin. In the middle of January, 1806, the envoy reached Urga, where discussions as to the ceremonies to be followed at the imperial audience began. Golovkin refused to *kotow*, alleging that Lord Macartney had not done so. The question was referred to Peking, and the embassy had to await the imperial commands; but in the meantime the governor of northern Mongolia received orders to give the count an imperial banquet before the imperial throne, and here the ambassador was requested to *kotow* before a screen and a yellow-covered table which figured the emperor. Golovkin refused, the banquet was not

<sup>1</sup> De Guignes, *Voyage à Peking, Manille et l'Île de France*, I. 357-439.

given, and on the 10th of February orders came from Peking dismissing him, and he promptly set off for Russia again.<sup>1</sup>

In the year 1815 the increasing difficulties which the British at Canton were continually experiencing as a result of the oppressions of the local government, and also the absence of trade regulations, induced the Court of Directors of the East India Company to submit to the home government a proposition recommending the sending of an embassy to Peking. One of the chief grievances of the British against the Chinese was their resenting the seizure in their territorial waters of several American ships by the commander of H. B. M. ship *Doris*, and their visiting their displeasure on the Company's people at Canton. In 1816 Lord Amherst was appointed ambassador to China, and in the latter part of July of the same year he arrived off Taku, on his way to Peking. Here some officials of low degree met him, and a few days after the ambassador and his suite of fifty-four persons set out for Tien-tsin in native boats.

Lord Amherst now began to show signs of perplexity: was he to kotow or should he refuse? He consulted the officers of his suite and found them divided on the subject, Mr. Morrison his interpreter and Mr. Ellis being in favor of his complying with the Chinese request, while Sir George Staunton held its performance incompatible with personal and national dignity.<sup>2</sup>

Some preliminary discussion about kotowing took place between Lord Amherst and a Tartar official, styled Kuang Chin-chai, deputed from Peking to meet the embassy on the occasion of an imperial banquet, given in all likelihood at the Hai-kuang ssü near Tien-tsin. This official said the ceremonial required would be the same as that observed in Lord Macartney's case, implying, of course, that the kotow would be expected. Amherst replied that he would follow in every respect the precedent established by the former British ambassador, meaning of course that he would only bend the knee. Then the Chinese declared in the most emphatic manner that Lord Macartney had kotowed whenever asked. Lord Amherst's expressions of anxiety to show the emperor the same marks of veneration as he would His Britannic Majesty did not pacify them, and they freely stated their belief that the embassy would not be received by the emperor. Finally, the kotow was dispensed with for this occasion only, and the Chinese were satisfied with Lord Amherst's bowing nine times before the imperial table, and agreeing, on his reception by the emperor, to kneel upon

<sup>1</sup> G. Timkowski, *Voyage à Peking*, I. 133-136.

<sup>2</sup> See Henry Ellis, *Journal of the Proceedings of Lord Amherst's Embassy to China*, pp. 78, 109, 152, 153, 171.

one knee and make his obeisance in that posture, and to repeat this nine times in succession.

On the 14th of August the embassy left for Tung-chou in boats. On the way up it had several squabbles with the officials escorting it. The emperor forbade Lord Amherst's orchestra to accompany him to Peking, and insisted on the kotow, asserting that Lord Macartney had performed it. The presents were also refused and the embassy ordered back unless the obnoxious prostration was gone through with. Lord Amherst tried Lord Macartney's suggestion that he would kotow if a Tartar of equal rank with him did so before the portrait of the Prince Regent, or, if this proposition was unacceptable, he would kotow, if the emperor issued a decree stating that any Chinese ambassador who might hereafter be presented at the British court should perform the kotow before His British Majesty. Both suggestions were refused; the officials to whom they were made would not even submit them to the emperor, whose ultimatum was—kotow or no audience.

Lord Amherst turned back, dropped down the river and anchored at Tsai-tsung, a little town on the Peiho. Here after a while further orders reached him from the emperor directing him to Tung-chou, there to discuss again the audience question with newly appointed envoys and go through a rehearsal of the ceremony originally agreed upon at Tien-tsin.

On the 20th of August the embassy reached Tung-chou, where once more the ceremonial question was discussed, the Chinese showing themselves haughty, insolent and unbending in their demands. Lord Amherst appears to have been on the verge of ceding, rather than to see his embassy fail, and Ellis expressed the view that the national respectability would not suffer thereby, and that the difference between nine prostrations of the head to the ground upon two knees, and nine profound bows upon one knee, was after all very slight.<sup>1</sup> Sir George Staunton, however strenuously opposed this view, and finally Lord Amherst informed the Chinese commissioners that his decision was irrevocable, and that he would not kotow.

The embassy remained at Tung-chou a week, when suddenly orders came for Lord Amherst to go at once to the village of Hai-tien, near the Summer Palace, at which latter place the emperor had decided to receive him. Here he arrived on the 29th of August, after having been taken around Peking instead of through the city. He was without a moment's delay led to the Summer Palace and told that the emperor would at once receive him. Amherst said he could not appear in his present state of fatigue, inanition, and defi-

<sup>1</sup> Henry Ellis, *op. sup. cit.*, p. 152.

ciency of every necessary equipment, not to mention the fact that he had not his credentials with him. He boldly refused to yield to anything but violence, saying that he was so overcome by fatigue and bodily illness, as absolutely to require repose.

The emperor, it is said, at first accepted his excuses, and sent his own surgeon to attend him, and the ambassador returned to Peking; but hardly had he arrived there when orders dismissing him came from the emperor, who had apparently become in the meanwhile incensed at Amherst's refusal to attend him according to his commands. It would seem that the surgeon reported that Amherst was shamming illness, and that this had caused the emperor to order the instant dismissal of the mission.

Lord Amherst left the same day for Tang-chow where he received some presents for the Prince Regent from the emperor; and the pictures of the king and queen of England, some maps and colored prints were sent him back in return. On the 26 of September the embassy started for Tien-tsin and thence down the grand canal to the Yang-tze river which was entered on the 19th of October, and then by way of Nan-king to Canton, which was reached on the 1st of January, 1817, and here the ships which had brought it the year before to Taku were in waiting to take it back to England.

Lord Amherst's conduct of his mission gave rise to much discussion in Europe: I will not give the many arguments advanced for or against his refusal to perform the *kowtow*. I cannot forbear, however, quoting the opinion of Napoleon I. as given by O'Meara:—"The emperor of China had a right to require the *kowtow*. It is an extraordinary presumption for you to attempt to regulate the etiquette of the palace of Peking by that of St. James: the simple principle which has been laid down, that in negotiation as well as in etiquette, the ambassador does not represent the sovereign, and has only a right to experience the same treatment as the highest grandee of the place, clears up the whole of the question, and remedies every difficulty. Russia and England should instruct their ambassadors to submit to the *kowtow*, upon the sole condition that the Chinese ambassador should submit in London and Petersburg to such forms of etiquette as are prescribed for the princes and grandees. In paying respect to the customs of a country, you make those of your own more sacred: and every homage which is rendered to a great foreign sovereign in the forms which are in use in his own country, is becoming and honorable. Every sensible man in your country therefore can consider the refusal to perform the *kowtow* not otherwise than as unjustifiable and unfortunate in its consequences."

—Harry L. O'Meara, *op. cit.*, II, 111-112.

In 1858 Mr. John E. Ward was appointed minister of the United States to China and instructed to proceed to Peking, there to deliver to the Emperor Hsien-feng a letter of the president, and effect the exchange of the ratified copies of the treaty signed in June of the same year at Tien-tsin by our first minister to China, Mr. W. B. Reed.

Mr. Ward left Shanghai in June, 1859, on the U. S. ship *Powhatan* and in due course reached the village of Pei-t'ang, to the north of the mouth of the Peiho river. Here he landed and was taken to Peking, part of the way in carts and part in boats; but over the carts and boats floated an ominous little yellow pennant with the words "Tribute bearers from the United States."

On the 28th of June the mission entered Peking. The imperial commissioners appointed to confer with the minister were the same who had the year before signed the treaty with Mr. Reed, and who were a year later to play such an important rôle with the British and French plenipotentiaries. They insisted that the treaty could only be exchanged after an audience of the emperor, but they were pleased to admit that, as the United States were neither a vassal nor a tributary state like Korea, Liu-chiu or Annam, their envoy could not be expected to perform the three kneelings and nine head-knockings, and that the emperor would be satisfied with one kneeling and three head-knockings.

Mr. Ward replied, like the Arab envoys to the Chinese emperor in the eighth century, that he knelt to God only, and furthermore he cared nothing for an audience which he had not sought. One of the Chinese commissioners then adduced an argument which had done service in the case of Lord Amherst, and which was to be brought forward again in 1873. "Our sovereigns are of equal rank, and so are you and we, their ministers. Now, we kneel before the emperor, so you should do likewise, for if you do not you raise yourself above us." According to Napoleon's theories, this argument was unanswerable, but Ward refused to consider it so, and insisted that he would only bow to the emperor in the same way as he would to the president of the United States. He also asked the commissioners if they would prostrate themselves before a foreign potentate, to which they promptly replied that they would be ready not only to knock their heads on the ground, but that, if required to, they would burn incense before him as they do before their gods.

Finally a compromise was agreed upon which, it was thought, would meet with the emperor's approval. Ward was to approach the throne and bow as low as he would to the president of the

United States, when chamberlains would run forward to him on either side crying out, "Don't kneel!" Those of his suite presented with him would go through the same ceremony, after which he would respectfully place the letter of the president on a table so surrounded with embroideries as to conceal most of his person from the emperor, who would not be able to see whether he was kneeling or standing. After this the letter would be taken by a courtier who would present it, kneeling, to the emperor.

The emperor, however, proved obdurate. His reply was that, unless Mr. Ward actually touched one knee or the ends of his fingers to the ground, he would not receive him. Of course this was refused, and a few days later the letter of the president was delivered to the commissioners, who had been ordered in the meanwhile by the emperor to receive it. The exchange of ratifications was effected in an unceremonious way at Pei-t'ang, where Ward embarked again on the 17th of August for Shanghai.<sup>1</sup>

With Ward's failure the first portion of this long-fought battle came to an end. In it the Chinese had scored victories over the Arabs, Russians, Dutch, Portuguese, British and Americans, and in the middle of the nineteenth century the western world had no reason to believe that China would ever depart from its successfully enforced demand that foreign envoys should prostrate themselves before the emperor in compliance with the immemorial custom of the country and of Asia generally.

But even the Chinese world moves, and so it happened that when once again the audience question was brought under discussion, the relations of China with the powers of the West had undergone such changes, that it was no longer possible for it to withstand the pressure of public opinion and to ignore the necessity of conciliating the despised Western Barbarians, and so in the narrative of the second half of this great fight we have only to chronicle China's defeats.

The audience question, about which nothing had been heard since foreign diplomatic representatives were first allowed to reside in Peking in 1860, but for which they had been quietly preparing, was brought to the front in the commencement of 1873, when the emperor Tung-Chih reached his majority. The foreign ministers at Peking, as soon as they had been advised of his assumption of personal control of the empire, asked to be allowed to present to him their congratulations and the letters accrediting them to his

<sup>1</sup> S. Wells Williams, *Journ. North China Branch, Roy. Asiat. Soc.*, No. 3, pp. 315-342. Id., *The Middle Kingdom*, II. 668-670. Also *Correspondence and Despatches of the U. S. Ministers to China, 1857-1859*, p. 575 *et seq.* and W. A. P. Martin, *A Cycle of Cathay*, 190 *et seq.*



court. Ministers of the newly created Foreign Office (Tsung-li Yamên) raised no very serious objections to the granting of the audience, provided the forms and ceremonies customary among the Chinese upon such occasions, among which that of kotowing was the most important, were complied with. They contended, as had been so frequently done before, that none but equals of the emperor could be allowed to stand in his presence; that he had no equals but the actual heads of foreign governments; that while the diplomatic representatives of these governments acted for their sovereigns, they were not possessed of the same power and could not, therefore, be considered equals in rank. One might think they had taken their arguments from Dr. O'Meara's book, and that Napoleon I. was fighting their battle. The foreign ministers signified that the fact of kneeling before the emperor would imply that their countries were inferior to China, that it would be offensive to the dignity of their governments and debasing to themselves; but they were promptly answered that in past times the envoys of the emperor of Russia had not hesitated to comply with this custom. The Chinese also insisted that if the foreign ministers knelt before the emperor they did nothing more than was required of the princes of the blood, and that should they remain standing, these latter would appear the inferiors of the foreigners. The real difficulty appears to have been the fear in which the Chinese ministers stood of the emperor, and their disinclination to represent to him the exact condition of things, which would show the altered condition of Chinese relations with foreign governments since the conclusion of the treaty with Great Britain in 1858.<sup>1</sup> However, after four months of contention, it was finally agreed that the ministers then present at Peking should be received by the emperor on the 29th of June (1873).

I take from despatches addressed by the United States minister, Mr. Frederick F. Low, to the secretary of state, and from memoranda accompanying them, the following facts concerning this audience, which he rightly regarded as marking a new departure in the relations of foreign nations with China.

<sup>1</sup> Tseng Kou-fan realized in 1868 how impossible it was in the altered condition of the relations between China and Western powers, for the emperor to insist on compliance with Chinese etiquette by foreign representatives at the court of Peking. In his famous secret memorial to the emperor Tung-Chih (see *Papers Relating to Foreign Affairs*, 1868, Pt. I., 519-521) he advised him to treat Western nations as equals, for he could have no desire to arrogate to himself the sway over lands within the boundless oceans, or require that their ministers should render homage as did the Koreans and other tribes. He advised the emperor when he took the reins of government to grant them audience and to settle the presents and ceremonies to be followed at the time; "they, the envoys, need not be forced to do what is difficult. This course would best suit China's dignity and show its courtesy."

At six o'clock in the morning of the 29th of June the ministers of Russia, the United States, Great Britain, France and the Netherlands assembled at the "Fu Hua gate" in the wall that surrounds the Forbidden City, where they were met by one of the grand secretaries and several ministers. Here they left their chairs and escorts and were conducted on foot to the Shih-ying kung or "Palace of Seasonableness," a temple to the west of the Middle Lake in a remote corner of the palace grounds and near the Catholic cathedral known as Pei Tang, and where the god of rain is worshipped by the emperor. They were shown into the imperial robing-room attached to the temple, where refreshments consisting of cakes, sweetmeats, fruits, and tea were served them; these refreshments the grand secretary was particular to inform them had been prepared in the imperial household, but this time no kotow was required before this "banquet." After waiting an hour or more the ministers were conducted to a large marquee on the west side of the neighboring reception hall, called the Tzu-kuang ko, or the "Hall of Purple Brightness," where Prince Kung, the president of the Foreign Office, and the rest of the ministers of the Ya-mén were waiting to receive them. This hall, by the way, is that in which the emperor entertains each year at a banquet the tributary Mongol princes who come to the capital to do him homage, and which has also in past times been used by the emperor as a grand stand from which to view archery contests or boat races on the lake stretching between it and the palace walls. Here the foreign envoys were again forced to wait a long time, the Chinese minister apologizing for the delay, saying that the emperor had received important despatches from the seat of war in Kashgaria that had detained him. Finally, the emperor having arrived and having taken his seat in the chair of state within the hall, the five foreign ministers were allowed to enter by the left-hand door of the hall, not by the central one which is reserved for the emperor alone. As they filed across the hall and came in front of the throne, they bowed to the emperor, and then advanced a few steps, when they bowed again and finally halted near the foot of the throne, bowing a third time. As soon as they had taken their places, the Russian minister read an address which the interpreter, standing behind them, translated into Chinese. When this was over all the ministers advanced one step and placed their credentials upon a yellow table at the foot of the throne, bowing once more as they did so. As the letters were laid upon the table the emperor leaned slightly forward as in acknowledgment of their reception, and Prince Kung, falling on his knees, was commanded by the emperor, who spoke in Manchu in a low voice, to inform the foreign ministers that their letters of credence

had been received. The prince then arose, descended the steps and, advancing a short distance towards the ministers, repeated what had been said to him. Then he reascended the platform and falling on his knees was again addressed by the emperor. On rising he once more came down the steps, advanced to the dean of the diplomatic body and said that His Majesty trusted that the emperor, kings and presidents of the states represented were in good health and hoped that all foreign affairs would be satisfactorily arranged between the Tsung-li Ya-mên and the foreign ministers. With this the audience ended, and the foreign ministers, retiring backwards, made three bows in the same manner as on entering the hall. They returned again for a short while to the Shih-ying kung, and were escorted back to the gate where they had left their sedan-chairs and foreign retinue, in the same manner as on their arrival; and so this memorable audience came to an end. There were, however, still further concessions to obtain from China, though of minor import; they were soon to be secured.

On the 12th of January, 1875, the emperor Tung-chih "departed on the long journey on the dragon chariot and became a guest on high." In 1888 his successor, the present reigning emperor, attained his majority and assumed personal control of the state. In the latter part of 1890 he issued a decree stating that he would receive the foreign diplomatic representatives for the purpose of their presenting their letters of credence, and that the audience would be held in like manner to that given in 1873.<sup>1</sup>

Immediately the diplomatic corps held several conferences to determine what action should be taken in regard to the audience now offered them by the emperor, and what points they could gain, so as to make it conform more closely with Western precedents and usages. Long lists of points to be raised in discussing with the Chinese Foreign Office the details of the audience were drawn up, protocols, *aide-mémoires*, memoranda and notes were sealed, signed, delivered and—pigeon-holed. The outcome of two months of discussion was that on the 5th of March, 1891, the diplomatic representatives of ten of the treaty powers were received in the same out-of-the-way Tzū-kuang Ko, against which they had strenuously objected, and of which one of the foreign ministers had said,<sup>2</sup> that "it had rightly or wrongly a very bad name, and not only foreign, but also Chinese, public opinion had pointed to the use of that place as one of the principal reasons why the audience of 1873 had not been considered a success."

Exactly the same ceremonial was followed in introducing the

<sup>1</sup>*Foreign Relations of the United States for 1891*, pp. 356 *et seq.*

<sup>2</sup>*Foreign Relations of the United States*, 1891, p. 384.

ministers to the reception hall as in 1873, and the same long hours of waiting ensued just as in the days of Ismailoff in 1792 and of Low and his colleagues in 1873. The only material progress made was that instead of placing the letters of credence on a table at the foot of the imperial throne, as was done in 1873, they were placed by the president of the Chinese Foreign Office, kneeling and not kneeling, on a table so close to the emperor that he could take them in his hand if he chose to do so. And with this the envoys were "highly satisfied," and considered that "substantial progress had been made in the eighteen years that had elapsed since the last audience," and that what Mr. Low had said of the epoch-marking audience of 1873, that "their arduous and lengthy discussions had forced China to take a more important step in advance than she had ever done before, except when compelled by force of arms," was even truer of the audience of 1891.

As to the other concessions, that separate audiences were to be henceforth granted upon the arrival or departure of a minister, and general audiences to the whole diplomatic corps on stated occasions, these were more apparent than real; the principle of separate audiences had been fully acknowledged by China in 1873, when the Japanese ambassador and the French minister were received separately by the emperor, and also in 1874, when audiences were granted to several foreign diplomatic representatives, among others the United States minister, Mr. Benjamin P. Avery.<sup>2</sup> All this was now a matter of little importance to the Chinese, who, after a fight waged for at least ten centuries, had lost the only point worth contending for, when in 1873 they allowed the representatives of foreign powers to dispense with the time-honored kotow.

In the early part of 1894 several of the foreign ministers were received by the emperor in a hall specially built for the purpose and called the Cheng-kuang tien, though still outside the palace precincts; but on the 4th of November of the same year audience was finally promised them within the sacred precincts of the imperial palace (Tà nei), but only then as "an act of grace," that they might present to the emperor the letters of congratulation addressed to him by the various heads of foreign states on the sixtieth anniversary of the empress dowager. And with this concession the long, long fight was ended, the Westerners had scored a second and final victory, and the audience question was a thing of the past.<sup>3</sup>

WILLIAM WOODVILLE ROCKHILL.

<sup>1</sup>*Foreign Relations of the United States*, 1891, p. 374 et seq.

<sup>2</sup>*Foreign Relations of the United States*, 1875, pp. 228-234.

<sup>3</sup>On the kotow question, see Léopold de Saussure, *La Chine et les Puissances occidentales*, Genève, 1894.

## THE PROPRIETARY PROVINCE AS A FORM OF COLONIAL GOVERNMENT

### I.

It was natural that English merchants and those who were connected with them should select the corporation and adapt it in the seventeenth century to the purposes of colonization. It was a form of local and subordinate government which had long been in existence and which easily lent itself to plans of colonial extension and development. Some of the notable results which followed its utilization in this sphere have been described in another place.<sup>1</sup> It is my purpose in this and the articles which shall follow to attempt, though it must be in an imperfect manner, to show what use was made of the fief, another form of subordinate government, in the process of Anglo-American colonization. With the organization and working of this the landed proprietor was as familiar as was the merchant with the corporation. The county was in form analogous to the fief and, especially when we include Continental history in our view, the development of the two appears most intimately connected. County government was and had been of old a favorite sphere of political activity for the English knighthood and nobility. Therefore when they, or when the king, who was also a territorial lord, undertook the work of colonization, the county presented itself to them as an institution which might properly be utilized for the purpose. But the county which was first selected by the proprietors for imitation on the new continent, was not one of those which existed in the interior of the kingdom, and whose activities had therefore been wholly subordinated to national ends. It was a border county, one of the marches, institutionally a lineal descendant of the marks which had been created by Charles the Great in the outlying regions of his empire for the purpose of defence. William the Norman had in part acknowledged the existence of such an institution and in part reproduced it on the borders of his kingdom of England under the name of the county palatine. In the seventeenth century the same institution was again reproduced with modifications on the western marches of the English maritime empire, and there became the American

<sup>1</sup> See my articles on the Corporation as a Form of Colonial Government in the *Political Science Quarterly* for June, September and December, 1896.

province. It was a county, but one of a very peculiar sort, with a more elaborate internal organization and stronger tendencies toward independence than the central counties of the kingdom possessed. The nature of the American province can be understood only after a study of its English progenitor.

Speaking in general terms, the palatinate or county palatine was the most independent and self-centered of English fiefs. Of those originally created two, Chester and Durham, survived at the time when the American colonies were founded. Save the duchy of Lancaster, which was created by act of Parliament, the counties palatine legally originated in royal grants, though in most cases powers had previously accumulated in the hands of the lord which formed the basis and justification for the grant. The grantee of the palatinate was usually an earl, but his powers were far superior to those regularly associated with that dignity, and he was the official head of the county from which his dignity was named. The head of the palatinate of Durham was always a bishop, sat among the bishops in the House of Lords and ranked next after the bishop of London; but like the other members of his order he held *sine honore*. The county palatine was a great crown fief of the nature of those which existed in France and Germany, and its lord was one of the most powerful of the tenants in chief. In Chester the earl was said to hold by the sword as freely as did the king by his crown. Coke affirmed that the name county palatine was given not "in respect of the dignity of an earl, but . . . because the owner thereof be he duke or earl, hath in that county *jura regalia*, as fully as the king had in his palace."<sup>1</sup> The authority of counts palatine he called "king-like." Viner carries the analysis a step further when he says that the royal rights consisted of jurisdiction and seigniority.<sup>2</sup> "By reason of his royal jurisdiction," says Viner, "he (the count palatine) has all the high courts and officers of justice which the king has; and by reason of his royal seigniority he has all the royal services and royal escheats which the king has." The true analogy then is that between the count palatine and the king, rather than one between the earl and the head of the palatinate.

In the language of the lawyers the powers possessed by the counts palatine were the inferior regalities, powers, that is, which were regal in kind, but inferior in degree to those held and exercised by the king. They were in nature territorial and governmental. Prior to the statute *quia emptores* the right of subinfeudation within the county was unlimited. Subsequent to that statute the count

<sup>1</sup> Coke, *Fourth Institute*, edition of 1809, p. 204.

<sup>2</sup> Viner, *Abridgment*, VI., p. 274.

palatine could create no new fiefs, but he was entitled to all the feudal services due from his tenants as they then existed, and to the possession of mines, wastes, forests and chaces.<sup>1</sup> He had also large private domains. On the governmental side his franchise included the right to hold courts of chancery, exchequer, admiralty, wards and liveries, and to hear in them all varieties of pleas, including pleas of the crown; to appoint chancellors, constables, stewards, chamberlains, judges, justices of the peace, sheriffs, coroners, escheators, with powers similar to the king's officers in the realm; to issue writs, precepts and commissions in his own name; to impress ships and call out his tenants in military array; to coin money, establish ports, markets and fairs, grant letters of incorporation and charters of privileges; to create palatine barons and hold councils in the nature of parliaments; to levy aids and subsidies.<sup>2</sup> The count palatine of Chester held a local parliament, which probably consisted of eight lay and eight spiritual barons.<sup>3</sup> From this it appears that originally within the county palatine a very complete system of government of the feudal type was maintained. It was an *imperium in imperio*, the existence of which could be justified from the national standpoint only by the exigencies of border defence.

As the count could try and punish all crimes, even treason and felony, so he might pardon the same. He was then the keeper of the peace of the palatinate, and trespasses and other offences were said in Durham to be committed *contra pacem episcopi*.<sup>4</sup> The only one of the royal writs which originally ran into the counties palatine was the writ of error. Transitory actions might, according to the general principle covering them, be tried in an adjacent county, but all other civil suits in which both parties involved were tenants of the count must be tried in the palatinate. But by the legislation of Henry VIII., occasioned partly by the Pilgrimage of Grace, the judicial powers of the counts palatine were seriously curtailed. By this<sup>5</sup> it was provided that thenceforth all writs, original as well as judicial, should run into these liberties, as they did elsewhere in the kingdom; that indictments should be in the name of the king; that the king should appoint justices of oyer and terminer, of the peace, of assize, and of jail delivery in the liberties, and that all statutes made concerning sheriffs and under-sheriffs should be in force against the stewards and other similar officers of the counts pala-

<sup>1</sup> Surtees, *History of Durham*, I. 16, 34, 46.

<sup>2</sup> Hardy, Preface to *Registrum Palatinum Dunelmense*, Rolls Series.

<sup>3</sup> Ormerod, *History of Chester*, I. 51 *et seq.* Stubbs, *Const. History of England*, I. 364, n.

<sup>4</sup> Viner, VI. 573, 575, 576.

<sup>5</sup> 27 Henry VIII., c. 24.



tine. Thus the king became the keeper of the peace in the palatinate. In the same reign representatives were first summoned from Chester to attend the House of Commons, though Durham remained legally free from that obligation till 1675.<sup>1</sup> When the counties palatine came to be represented in Parliament the system of taxation existing in the realm was extended into these liberties and thus all except the shadow of former independence disappeared. Though no record appears of serious or continued opposition to the rule of the counts palatine on the part of their own tenants, since the cessation of border wars the growth of national unity has proved an irresistible foe to the continuance of special jurisdictions except in cases where location, race or culture have made their survival a necessity.

When the earliest charters for the purposes of discovery and settlement were issued by the English crown the fief was chosen as the model for the grants. The charter which was granted in 1497 to John Cabot and his three sons provided that they should subdue and possess the territories they discovered as the "vassals and lieutenants" of the king.<sup>2</sup> From this the second patent, issued the next year, did not essentially differ.<sup>3</sup> By the charter of 1502 issued to Hugh Eliot, Thomas Ashurst and others the grantees were empowered to occupy the territories they should discover as vassals of the English crown.<sup>4</sup> The lands which it was expected Sir Humphrey Gilbert would discover under the patent of 1578 were to be held by homage as a royal fief, but all services were to be discharged by the payment of one-fifth of the gold and silver ore found in the soil.<sup>5</sup> Authority to settle and govern the territories was also given in ampler form than in any earlier grant. The patent issued in 1584 to Sir Walter Raleigh was an almost exact reproduction of that granted to Gilbert six years before. It therefore appears that the fief suggested the form of organization for which the English government provided in the grants which it made to the discoverers of the Tudor period. Raleigh's settlement at Roanoke was a rudimentary proprietorship, the grantee being the proprietor and tenant in chief of the crown. The only corporation which was created for purposes of discovery seems to have been the Colleagues

<sup>1</sup> Durham was represented in the three parliaments of the Protectorate. Surtees, I. 106.

<sup>2</sup> Hakluyt, *Collection of Voyages*, III. 26.

<sup>3</sup> Biddle, *Life of Sebastian Cabot*, Appendix.

<sup>4</sup> Rymer, *Fœdera*, VIII. 37.

<sup>5</sup> Hakluyt, III. 174. This commutation transformed the tenure practically into one of socage, even though the oath of homage continued to be taken. Pollock and Maitland, *History of English Law*, I. 286.

of the Fellowship for the Discovery of the Northwest Passage, of which Adrian Gilbert was the most prominent member, and which received its charter in February, 1584.<sup>1</sup>

When in the seventeenth century the planting of colonies was successfully begun, the work was undertaken by proprietors oftener than by corporations. That this indicates a preference of the government for the proprietor over the corporation resident in England, as an agent for colonizing purposes, it would be rash to affirm. In that age of dawning industrialism it was easier to found a proprietorship than to establish a corporation. The initiative of a single individual, be he courtier or idealist in government and religion, would suffice for the former, while the members of a corporation, with the capital they contributed, could be brought together only as the result of a prolonged effort. Oftener than otherwise the proprietary grant was an expression of royal favor which implied nothing except reward for services rendered by the patentee. Only four corporations resident in England were founded for the purpose of establishing colonies on the American continent, and these, with one exception (the Georgia trustees), came into existence prior to 1630. Six more or less permanent proprietorships were established directly by the king—Nova Scotia, Maryland, Maine, New York, Carolina and Pennsylvania. Of these all that proved of lasting importance, save one (Maryland), were founded during the period of the Restoration. Many sub-fiefs were also granted by the corporations and the proprietors, but these often had a brief and always a very imperfect existence, and call for no special attention at this time. But in the multiplication of grants in this form we discern no tendency of the proprietorship as such to supplant the corporation. Of the tendency of the royal province to supplant both the proprietary and the corporate grant there is abundant evidence, but this indicates a growing dislike on the part of the crown for colonization through agencies of any form.

When a proprietary province was created, the governmental machinery of the palatinate was not removed into America, as was done in the case of the corporation of Massachusetts. That would have been useless, to say nothing of its impracticability, for, in the case of the proprietorship, the grantee was a natural person, and the form of the province could not be affected by the place of his residence. Its organization would be the same, whether he resided in England or in the territory which had been granted to him. The spirit also in which the powers of the proprietor were administered would not necessarily be modified to a great degree by his residence in the

<sup>1</sup> Hakluyt, III. 129.

province. As a matter of fact the American proprietors often spent part of their time in their provinces and part in England. When in their provinces it would be less easy to reach them by writ than if they were in England: but power was transmitted, held and exercised in the same way, whatever might be the place of residence chosen by the proprietor. The proprietary grants then were imitations, so far as circumstances permitted, of the palatinates of England, and particularly of the county palatine of Durham. That this is true will be made evident by an examination of these charters and of the powers exercised under them and by the further consideration that the remoteness of these grants from England would have made them in effect palatinates had they not been originally such in both form and name.

By the Maryland charter, which shows as distinctly as any the characteristics of this form of grant, the palatine his heirs and assigns were given all and as ample rights, jurisdictions and immunities within the limits of the province as were or had been enjoyed by any bishop of Durham within his bishopric or county palatine. Thus also is the meaning of the statement that Lord Baltimore and his heirs were made "the true and absolute lords and proprietaries" of the region. The territory granted was moreover expressly made a province, a name was given to it and it was declared that it should be independent of all other provinces. The fact that the grant was made to Lord Baltimore, his heirs and assigns, shows that it was an heritable fee, with power of alienation in the grantee. It could be leased, sold, or otherwise disposed of like any estate of land and in the case of other proprietary grants such transfers were common. It was provided that the proprietor though tenant in chief should hold by socage, paying annually a nominal rent to the king. The province was made subject to the king's sovereign control and all its inhabitants were his liegemen. They retained the right to buy, receive and hold lands, and in correspondence to this the proprietor was empowered to grant or lease the lands of the province to settlers in fee simple or fee tail. The operation of the statute *quia emptores* within the province was suspended so as to admit of subinfeudation, and in addition it was expressly provided that grants should be held of the proprietor and not of the king. Upon the estate thus bestowed power was given the proprietor to erect manors with manorial courts and view of frankpledge. These were the seigniorial or territorial rights and powers so far as they were expressed in the charter. Connected with them more or less closely was the right to transport, consume and goods in the province and to carry on trade with them. In the exercise of this power harbours were to be

erected, where exclusively the business of import and export should be carried on, while taxes and subsidies imposed at the ports were reserved to the proprietor.

But governmental powers, or the minor regalities, were also bestowed on the proprietor in full measure. He was authorized to legislate through an assembly of the freemen concerning all matters of public interest and private utility within the province. The laws thus passed should be published under the proprietor's seal, and executed by him on all inhabitants of the province, and all going to or proceeding from it either to England or to foreign countries. The right to issue ordinances was bestowed in such a way as to supplement the legislative power and, under the general limitations specified in the act 31 Henry VIII., c. 8, concerning proclamations, was to be used for the preservation of the peace and the better government of the people, when there was not time to call the deputies together. The proprietor was given authority to inflict all punishments, even to the death penalty (*haute justice*), and to pardon every crime which he could punish. As the statute of Henry VIII. limiting the independence of the counts palatine did not extend to the plantations, Baltimore was empowered to establish courts and appoint all officers, judicial and other, who were necessary for the execution of the laws. He was also given the right to bestow titles of honor, erect towns and boroughs, and incorporate cities. The powers of a captain-general were given him, with authority by proper means to arm and train the inhabitants and lead them in defensive war. Closely connected with this was the right to execute martial law for the suppression of rebellion. The advowson of churches and chapels, the right to found these and to cause them to be consecrated according to the ecclesiastical laws of England, was also bestowed. The language used apparently excluded the consecrating of other than Anglican churches. The organization of the government was left wholly to the proprietor. The only limitation on the legislative and ordinance powers was that the enactments and orders issued should be consonant to reason and as agreeable as might be to the laws and rights of England. No provision was made for the submission of the acts of the legislature to the king, or for appeal to the English courts, though cases could probably be removed into those courts under the forms and conditions which of old had applied to the palatinates. Moreover, the right to hear appeals exists by virtue of the sovereign power of the crown, and the right to claim its advantages belongs to the subject by common law. Finally, following in the strictest manner the principle of immunity, the king expressly renounced the right to levy taxes upon the province. He

declared that he would not levy any tax or contribution on the persons, lands or goods of its inhabitants, either in the province or in the parts of the same. So far as American charters are concerned, this feature of the grant is unique.

In their provisions the charter of Maine and that of Carolina, save in the point last mentioned, differ only in slight details from the Maryland patent. The Carolina charter provided for a board of eight proprietors, but as they were not incorporated no regulations as to the way in which they should hold their meetings appear. In the grant of Maine to Sir Ferdinando Gorges the way was left open for the proper exercise of royal control by the provision that in matters of government the province should be subject to the regulations issued by the Commissioners of Plantations. By implication in the Carolina charter the right of the colonists to appeal to the English courts was guaranteed in the clause providing that they should not answer in any courts outside the province, except those of England. Each charter also had special provisions concerning religion, and to an extent also concerning trade, but these are not directly in the line of the present discussion. The charter of New York was brief, but it contained the salient features of the palatinate. It made express provision for appeals, but included no reference to a legislature. The bishop of Durham is not mentioned in any of the patents which were issued subsequent to the Restoration.

The charter of Pennsylvania was granted late, after some of the defects in the proprietary system had begun to appear. These arose from the difficulty of enforcing royal control, so as to secure the trade interests of the mother country and the defence of the empire. Hence the points in which Pennsylvania's charter differs from the earlier patents have reference mainly to relations with the home government. The right of the inhabitants of the province to appeal to the king was expressly guaranteed. It was provided that, within five years after their passage, all acts of the general assembly should be submitted to the king in council for his acceptance or rejection, and if they were not rejected within six months after presentation they should stand. The reasons, so far as mentioned, which should justify rejection were inconsistency with the lawful and sovereign prerogatives of the king and with the faith and allegiance due to the government of the realm. The proprietor was also required to keep an agent resident in or near London, so that he might appear at courts to answer any complaints against the proprietor and pay damages. If for one year there should be no such agent, or if for a year he should neglect to answer for penalties, it was declared lawful for the crown to resume the government of the province and

keep it till payment should be made. The king also agreed to levy no tax on the province without the consent of the proprietor or chief governor, the consent of the assembly, or by act of Parliament. Thus the possibility that Parliament might tax the colony was clearly recognized. This group of provisions gives a completeness to the Pennsylvania grant, so far as relations to the home government are concerned, which appears in no other charter. Such being the case, there was no need of specifically guaranteeing to the colonists the rights of English subjects. Finally, the absence of any clause authorizing the bestowment of titles of nobility is suggestive of the political views of the Quaker proprietor.

From the analysis of the charters which we have now completed, it follows that the proprietary province was a large fief carved out of the royal domain across the sea. The proprietor, whether a single person or a board of grantees, held both territorial and governmental powers. These, like the powers held by the counts palatine, were regal in their nature. This means that the institution was essentially monarchical in character; that the province was a miniature kingdom of a semi-feudal type, and the proprietor a petty king. Authority proceeded from above downward, rather than from below upward. To be sure the powers which the proprietor exercised were not sovereign, but, as Coke said, they were king-like, and were used in the same way as if they had been sovereign. In every proprietary province, as in the county palatine, we find, on a small scale and with modifications, a reproduction of the governmental forms and usages of the kingdom of England. The proprietor was the grantee of power, and all was derived through him. However intimate might be his relation to the province, he could never lose his identity and become merged in it, as was the case with the corporation when it was removed into the colony. He always remained distinct from the province in the same sense as that in which the king is distinct from the kingdom. He held strictly by hereditary right, and the powers to which he was entitled were not derived from the province or its inhabitants. The latter were not the grantees, as might be the case with the corporation, and therefore could neither hold nor exercise political rights except as the result of concessions made by or through the proprietor. The proprietor, and not a general court or general assembly, was the origin and centre of the provincial organism.

The province then was not democratic, and if it remained true to its essential nature it could not become so. But its nature could be obscured and changed; as an institution it could be democratized by the development within it of elements of a popular character and by their encroachment upon the powers of the proprietor.

The legislature might gradually limit or draw to itself the powers of the executive, and thus come to exercise a controlling influence. English institutions in their growth since the Norman period have passed through a development of that nature; and in the American provinces an analogous process may be seen at work, though in them the time required for its unfolding was much shorter than in the parent kingdom. The history of the American provinces is emphatically the history of the adaptation of English institutions to the conditions of life on a newly settled continent. There the tendencies favorable to the democratic element in the constitution of the provinces were stronger than they were in England prior to the close of the eighteenth century, while the obstacles to its development were less powerful than in the mother country. Through migration to the New World, the bonds of custom were relaxed and freer scope was given to innovation. Those who became colonists came largely from the classes which were least wedded to the aristocratic and monarchical institutions of the Old World. The political and social privileges which were attached to landholding in England could never be reproduced in a new country and under an exclusively socage tenure. There was necessarily far less social inequality in the colonies than in old countries, and the proprietor could scarcely hope that an aristocracy would develop and become a support for his power. So sparsely were the colonies settled that large estates, even where they existed, had relatively few tenants, and hence yielded only a small income. The proprietor, with his hundreds of thousands of acres, might be and often was land-poor. He moreover possessed none of the dignity which belongs to the office and title of king. He himself was a subject, and, whether peer or commoner, inviolability attached to his person in no higher degree than it did to any of his class among the population of England. The church could awaken for him only the respect which attaches to magistracy. The proprietor also, in any struggle upon which he was forced to enter for the maintenance of his claims, could command only the resources of a single family or group of families. Sometimes these resources were pitifully small, and were even the subject of litigation in the bankruptcy court. In any event they were likely to be too limited to admit of great displays of political energy, to say nothing of military power. These are all causes and tendencies which facilitated the democratizing of the American province, which made the process shorter and more certain of ultimate success than in the European kingdom. But it took the entire colonial period of our history and a revolution at its close to complete this course of development, and thus to transform the province



into the democratic commonwealth. A transformation which in the case of the corporate colony was virtually effected by a single act required for its completion in the province a century and a half. This of itself is adequate proof of the radical difference between the two forms of colonial government which we are studying. The province could not be democratized till the proprietor was gotten rid of, and that object was not attained till independence of England was declared.

If the view here presented be true, the internal history of each of the provinces, royal as well as proprietary, will reveal a prolonged struggle for the ascendancy between the monarchical and the democratic elements in the system, elements represented by the proprietor and his governor on the one hand and usually by the lower house of the general assembly on the other. This struggle, while assuming in each colony certain distinct and peculiar phases, at the same time exhibits characteristics which are common to them all. The province was not structurally harmonious and self-consistent, as was the corporate colony. The discordant elements within it were therefore continually struggling for ascendancy. It is through a broad and thorough study of this conflict that we shall discover the main trend of events within the provinces themselves, and at the same time note the preparation of the forces which were largely to occasion the revolt of 1776. Adopting this as the correct point of view, it will now be my purpose to show what the proprietary province was at the beginning and how it was started on the course of its development. To the proprietor trade was a minor object, and in this connection can be safely disregarded. The powers and rights the exercise of which were deemed important, and which give character to the system, were of two sorts, territorial and governmental. Under these two heads the subject will be treated, and throughout the remainder of this article the reader's attention is invited to a brief consideration of the proprietary land system.

That in the study of the American province the land system holds a position relatively as important as that which properly belongs to it in the treatment of the medieval kingdom or fief, no one would claim. In the typical medieval fief landholding determined the form and character of the military system, and out of or in connection with it developed the aristocratic institutions in both church and state which are so peculiar to the Middle Age. The forms then assumed by society and government in all phases of their development were influenced, if not determined, by the system of landholding. It would have been legally possible, when the earliest American provinces were established, to have attached to the grants all the

conditions of the military tenure ; but such a course would have been inexpedient and, if persisted in, disastrous. Prolonged internal peace, with commercial and industrial development, had made that tenure obsolete in England. Before the later provinces were founded it was abolished by law. Both the existing situation and the necessary conditions of future prosperity in the colonies were recognized, when the manor of East Greenwich and the castle of Windsor were selected as the types which should be reproduced in the territorial system of the new continent. As this was done in both the corporate and the provincial grants, the universality of the socage tenure in English America was insured. The obligations of this were fealty and rent,<sup>1</sup> and its liability that of escheat. It was a non-military tenure, free from the oppressive feudal obligations, and adapted to a peaceful agricultural community. When the introduction of the socage tenure was followed by the immediate abandonment in many of the colonies, and the ultimate abandonment by all, of primogeniture as the rule governing the descent of land, the foundation upon which a territorial nobility could develop or rest was removed. Therefore the fief with which we have to do in American history is imperfect, so to speak, diluted, has lost its most salient and important features.

And yet the American province was a fief<sup>2</sup> and the socage tenure feudal in its chief characteristics, and if this fact be neglected, not only shall we lose the correct point of view, but it will be impossible properly to understand many of the facts of our early institutional history. In order not only to theoretical completeness, but also to the attainment of satisfactory practical results, the territorial and governmental history of the provinces must be studied side by side and the interaction of the two noted. Reference can here be made to only a few prominent facts which such a treatment of the proprietary province will reveal.

By the proprietary grant an estate of inheritance, descending to heirs, was created ; the land granted through a charter of incorporation passed to successors. In the latter case inheritance in the proper sense of the word was impossible, and therefore the territorial unity of the colony was insured against peril from that quarter. As long as the corporation continued the colony could not be divided or the continuity of its existence broken by a sudden change of owner or rulers. From the outset then in the corporate colony there

<sup>1</sup> Blackstone, *Commentaries*, Bk. II., c. 6. Digby, *Law of Real Property*, p. 49. Fowler, *History of Real Property in New York*, p. 38.

<sup>2</sup> On the feudal nature of this form of grant, see case of *Ingersoll vs. Sergeant*, Wharton's *Pennsylvania Reports*, I., pp. 346 *et seq.* Sharswood, *Lectures Introductory to the Study of the Law*, Lect. VIII. Mayer, *Ground-rents in Maryland*.

is a suggestion of the territorial as well as of the political unity of the modern state. This also applies to the colonies which were founded by the corporations resident in England. But the proprietary province was subject to the conditions of natural inheritance, testate and intestate, and to all the possibilities of change and multiplication of owners involved therein. Moreover the possessions of proprietors were more likely to be sold or leased than were those held by corporations. In other words the proprietary province was treated as an estate of land. It was a vast tenement which the grantee did or might sell, mortgage, lease, devise, or convey in trust, as he would a farm or a homestead. In 1635 John Mason devised by will all his estates and rights in New Hampshire, with certain exceptions, to his grandson, John Tufton, and his lawful heirs, or, in defect of these, to Robert Tufton, another grandson, and his lawful heirs, or, in defect of these, to his cousin, Dr. Robert Mason, and his heirs male. Other conditions were also attached, as that the widow of John Mason should enjoy the revenue of the estates during her life, or until the devisee came of age.<sup>1</sup> By this will New Hampshire became an entailed estate, and in course of time the legal complications usually attendant on that form of settlement arose, and added to the confusion caused by the boundary disputes and by the doubts concerning the origin of John Mason's title.<sup>2</sup>

The Duke of York in 1664 sold New Jersey to Lord Berkeley and Sir George Carteret, and the sale was effected by deeds of lease and release.<sup>3</sup> By that act the province which the duke had just received from the crown was divided, and his territorial rights over a part of it went to the purchasers. But this was only the beginning of the process of subdividing the territory thus granted between the Hudson and the Delaware. About ten years later Berkeley sold his undivided half of New Jersey to John Fenwick in trust for Edward Byllinge, and by later conveyances on the part of Byllinge, three others, including William Penn, were added to the number of trustees. In 1676 Carteret agreed with Byllinge and the three trustees to a division of the province, and under the terms of the Quintipartite Deed what had been Berkeley's undivided half became West Jersey, though now with three active proprietors of its own.<sup>4</sup> Later, to encourage settlement, the proprietors divided West Jersey into ten parts. One of these went to Eldridge and Warner, who had been

<sup>1</sup> Tuttle, *Captain John Mason* (Publications of the Prince Society), p. 404.

<sup>2</sup> *New Hampshire Prov. Papers*, Vols. I. and II. Belknap's *History of New Hampshire*, I.

<sup>3</sup> Leaming and Spicer, *Grants and Concessions*, p. 8. *New Jersey Archives*, I. 8, 10.

<sup>4</sup> Leaming and Spicer, pp. 64, 65. *Archives*, I. 232, 326. Smith, *History of New Jersey*, 83, 89, *et seq.* Byllinge had an equitable interest in the province.

grantees of Fenwick. The nine parts which remained in the possession of the trustees, each of which was called a propriety, were opened for settlement. One of these tenths was taken up by a company of Quakers from Yorkshire, another by a similar body from London. Some of Byllinge's creditors also took shares, but these were bought out by Daniel Coxe, who soon became the largest proprietor in West Jersey.<sup>1</sup> As all grantees retained a joint interest in the enterprise, the number of proprietors became so large that they could not easily meet for the transaction of business, and in 1687 a council of eleven annually elected members was created for this purpose. From that time the territorial affairs of West Jersey were managed by a Council of Proprietors.

Meantime a similar process of subdivision had been going on in East Jersey. By the will of Sir George Carteret all his property in that province was devised to six trustees to be held by them for the benefit of his creditors.<sup>2</sup> After repeated attempts at private sale the proprietorship was put up at auction and bidden off by William Penn and eleven associates for £3400. Their deeds of lease and release were dated February 1 and 2, 1682. Subsequently each of the twelve sold one-half of his undivided share to a new associate, making in all a board of twenty-four proprietors for East Jersey. In 1684 those of the number who were resident in the province were empowered to act on behalf of all the proprietors and with the governor in granting lands and settling disputes with planters. These soon became known as the Board of Proprietors of East Jersey, and continued to have the chief management of the territorial affairs of the province.

In 1708 William Penn mortgaged Pennsylvania to Henry Gouldey, Joshua Gee and several others in England for £6600. When in 1718 Penn died the mortgage had not been entirely paid off. In his will he devised the government of the province and territories to the Earls of Oxford, Mortimer and Poulett and their heirs in trust, to dispose thereof to the queen or any other person, as advantage should dictate. To his widow and eleven others, part resident in England and part in America, he devised all his lands, rents and other profits in Pennsylvania, the territories, or elsewhere on the continent, in trust to sell or otherwise dispose of enough to pay his debts. Of that which remained, all, except 20,000 acres, should be bestowed by the trustees on the three sons of the founder by his second wife, John, Thomas and Richard Penn.

<sup>1</sup> Smith, pp. 80, 130, 191, 199. Woodward and Hageman, *History of Burlington and Mercer Counties*, pp. 7-12, 110.

<sup>2</sup> Whitehead, *East Jersey under the Proprietors*, p. 101 *et seq.*

All the personal estate and arrears of rent he gave to his wife for the equal benefit of her children, and he made her sole executrix. As, after his father's death, William Penn, Jr., the heir-at-law, claimed the government of the province, some delay arose, resulting in a suit in chancery. It was, however, finally decided that the sons by the second marriage should inherit both the territorial and the governmental rights as designated in the will.<sup>1</sup>

By transfers and the process of natural inheritance, the personnel of the board of Carolina proprietors had been totally changed, and in the case of some seats repeatedly so, when, in 1729, the act of Parliament was passed establishing an agreement with seven of their number for the surrender of their title and interest in the province to the crown.<sup>2</sup> The share of the Duke of Albemarle and that of the Earl of Shaftesbury were in the hands of trustees, while there were three claimants of the estate of Lord Berkeley. Here, as in the case of other provinces with multiple proprietors, the colony might, upon agreement, have been divided. The undivided shares might at any time have become divided shares. That the single proprietor could do the same has been shown by reference to the origin of New Jersey. That this did not occur in the history of Maryland is due to good fortune and good management. In the American proprietary provinces there was the same possibility of the indefinite subdivision of territory which in the Middle Age we find working itself out in the states of continental Europe. It follows, then, that the territorial integrity of the proprietary province was not effectively guaranteed. Reference has already been made to the distinction between it and the corporate colony in this respect. Of the royal province at any time there could never be more than one proprietor, the occupant of the throne. It was subject only to the vicissitudes accompanying the inheritance of that dignity. But in the history of the proprietary provinces we observe all the changes of ownership and modes of transfer which appear in the case of private estates of land.

That on its territorial side the province was such an estate may be shown even more clearly by a further consideration. Unlike the grantees of the corporate colonies, to an extent also unlike those colonial corporations that were resident in England, the proprietor was especially desirous so to manage or dispose of his land as to secure from it a revenue. This was perhaps the main object which he had in view when he undertook the work of colonization. It seemed far more important to him than did trade, while, with the

<sup>1</sup> Proud, *History of Pennsylvania*, II. 115-124.

<sup>2</sup> *N. C. Col. Rec.*, III. 34 *et seq.*

exception of Penn, none of the proprietors were in any sense idealists. Therefore he carefully granted the land of the province subject to a rent, and provided for its regular collection. The grant of land by the proprietor took in each case the feudal form; it was not an allod, but a tenement, as were all estates in England. In the province, then, as in England, the relation of lord to tenant existed, and tenure became an element of importance in the social system. That relation was the essence of the proprietorship. This is true in spite of the fact that the military tenure did not exist in the American colonies. The fact that the obligations of socage were fealty and a fixed rent necessitated, when these were enforced, the development of a permanent system of tenant right. Its absence in the corporate colonies is due to the failure of the general court to enforce the payment of the fixed rent, or to introduce clauses requiring this into its land patents. But the proprietors carefully reserved their right in this matter, and continued, as they had opportunity, to enforce it. They acted thus as territorial lords, and collected in the form of quit-rents and fines on alienation a territorial revenue analogous to that which, in the Middle Age, the king and nobles received from their domains. In order to do this they, unlike the general court of the corporate colony, had to institute a system of territorial administration, a provincial land system. Its nature in general may now be briefly indicated.

In all the proprietary charters, save that of New York, the operation of the statute *quia emptores* was suspended, so far as relations between the proprietor and his immediate grantees were concerned. By virtue of this provision each proprietor (or board of proprietors) as mesne lord became the centre from which originated an indefinite number of grants held directly of him, and through him of the crown. The same was true also in New York, although no reference was made to the statute *quai emptores* in its charter.<sup>1</sup>

In the provinces of this class it was left to the proprietor to make grants on such conditions as he chose—limited by the nature of his own patent—to erect or permit the erection of manors, to devise the machinery necessary for surveying, issuing and recording grants and collecting rents. In Maryland and the Carolinas subinfeudation, or

<sup>1</sup>In the Duke's Laws it was provided that former grants should be brought in and new patents taken out "in the behalfe of his Royall Highness the Duke of Yorke." Upon the patenting of land a fee should be paid "in acknowledgment of the propriety of such lands belonging to his Royal Highness James Duke of Yorke." *Charter and Laws of Penn.*, p. 35. In a report prepared in 1670 it is stated that "The Tenure of Lands is derived from his R. H<sup>ty</sup>, who gives and grants lands to Planters as their freehold forever, they paying the customary Rates and Duties . . . ." Gov. Dongan in 1683 was instructed to grant lands under the province seal, reserving a certain yearly rent and service to the duke and his heirs. *N. Y. Col. Docs.*, III. 188, 333.

the creation of mesne tenants within the province, was both possible and legal. Lord Baltimore granted the manor of Kent Fort to Giles Brent and his heirs and empowered them to convey any part of it, except 300 acres reserved as demesne, "either in fee simple or fee tail, for life, lives or years, to be held of him the said Giles Brent and his heirs, as of the manor of Kent Fort, by and under such rents and services as he or they shall think fit."<sup>1</sup> But in the opinion of Kilty subinfeudation in Maryland was not carried so far as greatly to prejudice the proprietor's interests, for all fines on alienation and escheats went to him, though in some cases forfeitures for non-payment of rent or other causes were claimed by the mesne lords. In the Pennsylvania charter a clause was introduced prohibiting subinfeudation within the province. It provided that those who should hold manors might grant parts of these, but "so as no further tenures shall be created," and that the lands so granted should be held of the same lord of whom the alienor held and by the rents and services customary upon the estate.

Preparatory to the exercise of the power thus bestowed in the charters, the proprietors issued so-called "concessions," or "conditions of plantation," stating the terms on which they would grant lands to colonists. As settlement progressed these were modified, either by new concessions or by instructions to the governors. These were not infrequently accompanied by statements of the physical advantages of the country and relations of recent voyages thither, all intended as a form of advertisement for settlers. Lord Baltimore issued conditions of plantation in 1633, 1636, 1641, 1648.<sup>2</sup> As the territories of the Duke of York were to a considerable extent settled when he received them, it was not necessary to advertise for settlers in this way. But in the Duke's Laws provision was made that patents should be renewed and lands held of the proprietor. From the first also grants were made, when applied for, to those who were already colonists or intended to become such. The Carolina proprietors issued concessions in 1633 and 1665.<sup>3</sup> In 1663 they also sent instructions to Gov. Berkeley of Virginia respecting the granting of land on the Chowan river, which were equivalent to concessions; and in 1667 instructions of a similar character were sent to Gov. Stephens of Albemarle.<sup>4</sup> The Fundamental Constitutions, which were issued as an ordinance by the proprietors in 1669, with the intent that they should be accepted by the colonists, and which were afterwards in part enforced through instructions, contained in per-

<sup>1</sup> Kilty, *Landholder's Assistant*, pp. 107, 28.

<sup>2</sup> *Md. Archives*, Council, I. 47, 99, 223.

<sup>3</sup> *N. C. Col. Recs.*, I. 43, 86.

<sup>4</sup> *Ibid.*, 51, 169.



fect form the idea of the proprietors concerning what should be the territorial system of their province.<sup>1</sup> The Concessions and Agreements issued by Berkeley and Carteret for New Jersey in 1665 were a verbatim reproduction in all their parts of the Concessions issued the same year by the Carolina proprietors for their intended settlers at Cape Fear.<sup>2</sup> In April, 1681, William Penn issued his Proposals to Adventurers, and the following July his Conditions and Concessions.<sup>3</sup>

In character and object these documents were very similar. The grants of land offered in them were in general proportionate to the amount invested in the enterprise by the would-be grantee. Discriminations were also made in favor of first purchasers or settlers, and against those who came to the colony after the sufferings and perils of the first year or two had passed. In all cases a quit-rent was imposed, and as this was a rent service it could be collected by distress without definite specification of the right in the deed.<sup>4</sup> Usually also it was required that the grant should be improved and settled within a specified time. In the later Maryland concessions and in those of Carolina and New Jersey the settlers were required to come armed. Apparently in all cases they were required to pay the cost of passage, and in the Carolina and New Jersey concessions of 1665 the condition was attached that each settler should on arrival have, or be supplied with, provisions for six months. So far as appears, no definite limit was placed on the amount of land which might be granted to an individual. The proprietors reserved for themselves territory in various parts of their provinces proportionate in extent to that which they sold or leased. In Maryland these tracts were called "reserves;" in Pennsylvania, "proprietary tenths;" in Carolina, under the Concessions of 1665, "proprietary elevenths," while under the Fundamental Constitutions they were to include one-fifth of the land of the province and to be called the seigniories. Under the Concessions of 1665 the New Jersey proprietors were to reserve a "seventh." The land thus reserved, so far as it was not leased, constituted the proprietary domain,<sup>5</sup> while the part of the province which was not granted or improved might properly be called the waste connected with these vast feudal

<sup>1</sup> *N. C. Col. Recs.*, 187 *et seq.*

<sup>2</sup> *N. J. Archives*, I. 28. Berkeley and Carteret were members of the board of Carolina proprietors. In both the Carolina and the New Jersey editions of these concessions, as well as in the Declarations and Proposals issued by the Carolina proprietors in 1663, and the Concessions issued by the West Jersey proprietors in 1677, a form of government was prescribed and the terms on which land would be granted were specified.

<sup>3</sup> Hazard, *Annals of Penn.*, 516 *et seq.*

<sup>4</sup> Coke on Littleton, C. 12. Mayer, *Ground-rents in Maryland*, p. 15.

<sup>5</sup> Mayer, p. 28.

estates. Finally, in all cases the plan of settlement included a provision for at least one town, lots in which should be granted to those who received estates in the country. Penn issued more elaborate instructions on this point than did any other proprietor.

In the space now at command it would be impossible even to attempt a description of the actual process of settlement in a proprietary province, to show how grants of land were made, usually in rectangular form, along the bank of river or bay, and extending back therefrom in successive tiers. By the use of the land papers of the provinces it would be possible approximately to trace this process, and with it the location of the manors and of the proprietary reserves. The extension of settlement and cultivation, with the relative size of estates, could thus be shown, and data obtained upon which could be based an intelligent discussion of the entire social structure of the province. But of special importance here is the fact that the granting of land and regulating of settlement was wholly a function of the province and not of the town or other locality. It was a characteristic and essential part of the proprietary administration. From it originated a territorial revenue consisting of the quit-rents and, in Maryland at least, of fines on alienation. This belonged to the proprietor as territorial lord. For the granting of land and the collection of this revenue administrative machinery was necessary, such as does not appear in the corporate colony. This, when it took final shape, was known as the land-office. At first in Maryland the governor and secretary had immediate charge of the granting of lands. Under warrants issued from the secretary's office land was surveyed by the surveyor-general and his deputies. Upon certificates of survey returned by them patents were issued under the great seal, signed by the governor and endorsed by the secretary<sup>1</sup> and surveyor-general. At the beginning the governor, alone or in conjunction with the secretary, was the receiver of rents. In 1671 a land-office was established and a functionary known as the register placed at the head. In 1684 a land-council of four—all of them members of the provincial council—was created. To this body was entrusted full control of the surveying and granting of land, and one of its members was made receiver and collector of rents, port-dues and other proprietary dues. Later, in the eighteenth century, elaborate machinery for the collection of rents was devised. In Pennsylvania and Carolina there was a development similar to this, though less systematic. Apparently, also, though owing to the fact that outside of New England almost no town records have been printed one must speak with great caution, the towns in the prov-

<sup>1</sup> Kilty, *Land-holder's Assistant*, 64, 108, 112, 256.

inces were only in exceptional cases village communities. If, as in New England, the grant of town land was made to the settlers of the locality in common, they soon divided it; in the great majority of cases however grants seem to have been made wholly to individuals from the outset. So far as this was true the character of the town in the provinces was different from that in New England.

But, further, the territorial system of the province had indirectly an influence on its political development. The policy of the proprietor toward the province was determined to a large extent by the fact that it was originally his estate, and that from it he expected a territorial revenue. The attitude of the governor and of other officials toward it was modified by the same consideration. On the other hand the colonists, and the assembly which represented them, felt the effect of the same condition. They were the tenants of the proprietor and owed him rents and other dues. Their relations to him were not simply political; they were influenced also by tenure. A part of the proprietary revenue was derived from them by virtue of the conditions of their settlement; the legislature could neither grant nor withhold it. But obstacles of various kinds could be thrown in the way of the collection of quit-rents; the legislature could seek to control the territorial administration by passing laws in confirmation of grants, determining how and when rents should be paid, reorganizing the land-office, taxing proprietary estates. Attempts such as these were made, especially in Pennsylvania, and, when persisted in, resulted in important limitations of the territorial powers of the proprietor. Territorial questions, then, frequently came to have a political bearing, and entered deeply into the struggle between the proprietor and the assembly for the control of affairs within the province. To trace the history of these conflicts at this time would be impossible. But they play a part in the history of all the American provinces which entitles them to the consideration of the investigator. An organic relation has always been held to exist between the land system and the development of government by estates, as it existed in medieval Europe. The military system, the organization of society into classes, and through these classes the character of the financial, judicial and ecclesiastical administration were in the feudal estate largely determined by land and land-tenure. With the disappearance of the military tenure the connection between territorial and political development became less intimate. The absence of a nobility, the general abandonment of the principle of primogeniture as a rule of intestate inheritance, and the operation of various causes practically limiting the size of estates, have strengthened this tendency. But so long as the province, in America and

elsewhere, remained a province, an important connection between the land system and political development continued, and unless the fact is properly recognized the history of that form of colonial government will not be understood or correctly treated.

HERBERT L. OSGOOD.

## EVOLUTION OF THE AMERICAN VOTER

SOME historical scholar, devoted by taste and habits to close research, might well examine the records still accessible of our colonial age, to ascertain the laws and usages which prevailed before the American Revolution in each of the thirteen original colonies concerning the elective franchise.<sup>1</sup> For this is a subject whose exposition must depend, not upon *a priori* reasoning, but upon the facts. So far as the charters of that long adolescent period afford any light they make but three things plainly evident: (1) That voting was common in all these colonies under one reservation or another; (2) that in Rhode Island and Connecticut, under those highly liberal charters from Charles II. which served each state for a considerable space of this nineteenth century after royalty had been abolished, and in Massachusetts, too, under her earliest grants, this elective franchise was largely exercised; (3) that, for most of our colonial period at least, in most of the other colonies the voter's right was usually confined to the choice of local town and county officers and of local representatives in that single popular assembly or legislative branch which resembled the House of Commons in the mother country.

But when we reach 1776, and the era during which these thirteen commonwealths shook off united the British yoke and organized state governments apart, most of the written state constitutions are seen disclosing local predilections attaching to the right of elector. And from that date forward the evolution of the American voter may be fairly traced through a comparative study of these fundamental frameworks. No doubt under the earliest constitutions of such Revolutionary states the franchise was bestowed upon the people in accordance mainly with colonial practice and sentiment. Rhode Island and Connecticut, to be sure, retained colonial charters which left the matter largely to legislative discretion; but the other eleven states established constitutions for themselves. To take the first period of about twelve years which preceded the adoption of our federal constitution (1776-1788), comparison shows a certain homogeneity in the policy of admitting freemen to participate by their votes in a representative and republican state government; while at the same time appeared various points of difference. In general the voter was to be a male resident of the state, at least twenty-one years

<sup>1</sup>Dr. Cortlandt F. Bishop, in his recent *History of Elections in the American Colonies* (III. Columbia College Studies, No. 1), supplies a scholarly essay on this topic.

of age ; and "freeman" or "free white man" was a convenient term to designate him in the written systems of states, nearly all of whom still recognized to some extent the colonial institution of negro slavery. Among such residents or inhabitants the "freeholder," or owner of real estate, was specially favored for the right of suffrage in South Carolina, and further enjoyed peculiar privileges as to certain elections (for instance, in the choice of senators) in Virginia, New York and North Carolina. Other states, though less strenuous as to owning real estate, fixed a property qualification of one kind or another; Massachusetts, under her latest royal charter, and Maryland besides, requiring a voter to own either land or personal property to a stated limit; while the most liberal of Revolutionary constitutions in this respect, those of Pennsylvania and Georgia, conferred the suffrage upon all taxpayers. Sons of freeholders, though not paying taxes at all, had in Pennsylvania a special voting privilege ; and Georgia favored all mechanics.

Georgia in her earliest state constitution made a futile effort, after the example of Virginia's legislature, to punish a voter's absence from the polls without good excuse by imposing a penalty. Bribery at the polls was punishable under Pennsylvania's constitution of 1776, yet lightly as compared with that of New Hampshire in 1784, which made conviction of bribery an utter disqualification from office. Under the Revolutionary constitution of New York in 1777 any elector at the polls might be required to take expressly an oath of allegiance to the state. Delaware's constitution forbade soldiers to approach the polls on election day.<sup>1</sup>

As for the appropriate method of voting these early states indicate at once their prior variance as colonies. For the written ballot Massachusetts, New Hampshire, Pennsylvania and Georgia pronounced a preference in their new organic law, while various other states by a more or less positive expression showed adhesion still to the old English mode of an oral or *viva voce* vote. In democracies a written or printed ballot must gain precedence constantly, not only for convenience of proof, but as an essential safeguard to the humbler voter's freedom of expression ; yet the oral mode holds close relation with town meetings and local gatherings where courageous neighbors come together and where debate must precede action ; for which reason the *viva voce* method held strong ground for such occasions. Connecticut under her charter option kept up that latter mode to a considerable extent in state elections until a constitution was framed, finding it quite a convenience for retaining the older and more influential townspeople in the lead. In Virginia

<sup>1</sup> Poore's *Constitutions, passim*, 1776-1784.

and the other states in close affiliation with her this oral expression was vaunted as the privilege of the free-born voter, to show the faith that was in him by an outspoken announcement of his candidate. New York, when the Revolution broke out, wavered between two methods. Her constitution of 1777 recites a prevalent opinion "among divers of the good people" that voting by ballot "would tend more to preserve the liberty and equal freedom of the people" than the prevalent *à la voce* mode; and accordingly the written ballot is therein sanctioned as a novel and experimental substitute, subject to the final discretion of the state legislature.<sup>1</sup>

We now reach 1789 and the establishment of a new and more perfect Union under the federal constitution. The forbearance which the framers of that instrument displayed in leaving the whole delicate regulation of popular suffrage to the several states deserves our lasting admiration. The new system could hardly have been adopted otherwise. As Mr. Bryce truly observes, this Union, so far as the federal form of government was concerned, might have developed into an aristocracy; but state direction and state institutions compelled it to become a democracy. For in the choice of federal representatives to Congress each state has constantly controlled the qualifications of its own electors; while the choice of senators and even of presidential electors has been left to the several state legislatures. All this suited well the temper of confederate states in the eighteenth century, and through the nineteenth results have been on the whole satisfactory. All discussion, all experiment over the extension of the suffrage, has been conducted within state confines, except perhaps as to negro suffrage, which civil war compelled the whole Union to consider as in some sense a national problem. Democracy and manhood suffrage have gradually gained federal ascendancy, through ascendancy in the several states, where regulation is easier and more elastic. And in the meantime the federal example since 1787 of dispensing with all religious or property tests for participation in civil government stirred quickly the states to emulation.

This Federal Union began, in fact, its operations in 1776 as an alliance of states conservative and somewhat aristocratic, for the most part, showing the force of English environment in distrustful qualifications which hedged the individual right to vote. We have seen that there were property tests for electors and candidates; and to some extent there were religious tests as well, though, generally

<sup>1</sup> Poore's *Constitutions*, *passim*, 1776-1784. Proxy voting, as in private corporations, prevailed very early in Massachusetts and adjacent colonies; and traces of this practice remained in Connecticut's election laws down to the final superseding of her charter in 1819. Bishop's *History of Elections*, pp. 127-139.



speaking, no religious qualification was imposed for mere voters. South Carolina, the one state where caste and cavalier prepossessions stood the strain of democratic innovation down to the defiant strife of 1861, pronounced nevertheless in 1790 state abolition of religious tests for the voter by organic declaration. Kentucky's constitution in 1799 discountenanced religious tests whether for voters or for office-holders, after the example set by the United States. Delaware in 1792 enlarged the franchise so as to embrace every "white freeman" of full age and two years' residence who paid a state or county tax. Tax-paying became by the close of the eighteenth century the usual minimum standard which property qualification had reached, so far as constitutional expression was concerned; yet among the earliest new states Kentucky dispensed with even this before the century ended, as did also Vermont.<sup>1</sup> Maryland in 1810 abolished all former property qualifications, whether for office-holding or for voting, even to the paying of taxes. That the voter should be at least a tax-payer was however much longer insisted upon by most states.<sup>2</sup> South Carolina's constitution of 1790 adhered to the freehold qualification; "five hundred acres and ten negroes," or a real estate valued at £150 sterling clear of debt, was the standard set in her organic law.

Connecticut in her constitution of 1818 stated qualifications of property or militia duty or a state tax payment within a year. Massachusetts, abolishing all freehold or property qualifications for the voters soon after, clung still by the poll tax for a long period of this century. Delaware in 1831 abolished religious and property qualifications, except as to paying taxes. Virginia in 1830 made a technical enumeration as to property, having earlier left the legislature largely to itself. The democratic tendency in the new states before 1830 was towards dispensing with even the tax-paying qualification, thus giving freely the franchise and popular control of government to numbers and not property.<sup>3</sup> New York in 1821 dispensed with her former freehold privileges for voting, at the same time specifying various requisites of taxation or of service in the state militia or among the firemen. During the years 1836-1860 the final abolition of tax-paying as well as of property-holding requirements became very marked in the changed constitutions of the several states. Yet there are states which to this day require the payment of a slight tax in order to vote, while Rhode Island still insists upon a property qualification in some elections.

<sup>1</sup> See Kentucky, 1792, 1799. "Every man" of full age of "quiet and peaceable behavior" who takes the oath to vote conscientiously. Vermont, 1793.

<sup>2</sup> Ohio, 1802; Louisiana, 1812.

<sup>3</sup> See Illinois 1818; Alabama 1819; Missouri 1820.

A buoyant and increasing confidence in the unregulated popular expression at the polls, for city and country alike, seems to have culminated in America about the middle of this century. So far as the white male inhabitants were concerned all constitutional change in the states had hitherto tended so to extend the franchise that the poorest local resident, not a criminal nor a dependent pauper, might readily take part at the polls with those who paid taxes and had a pecuniary stake in the government; while as for bribery and the criminal disqualification not unfrequently denounced in organic law, convictions had been rare and individual disfranchisement by the legislature still rarer. But now the native-born began to feel the evils of an unrestrained democracy, of incongruous migration from foreign lands, and of that organized machine in the largest cities which too often tampered with the ballot-box and induced riot and corruption at the polling-booths. Greater purity of the ballot and the elimination of fraudulent opportunities became henceforth a standing task for all good citizens. Hitherto no educational test had been applied to the common voter, but midway in this present century Native Americanism asserted itself. "No elector shall be qualified," declares Connecticut's amendment of 1855 in substance, "who cannot read the constitution or any statute of the state;" and Massachusetts by 1857 confined the ballot to such as could read the constitution in the English language and write their names. To such constraints upon ignorant suffrage those two commonwealths have ever since adhered, maintaining that practical experience commends the rule. This reading and writing test is not the true one for all cases, since sturdy and honest manual labor makes better citizens than a mental training perverted; foreigners may know their native language, if not ours; nor are the illiterate necessarily ignorant. Nevertheless moral fitness can only be partially tested by judicial conviction for crime, and approximate satisfaction is better perhaps than none at all. Meanwhile various other constitutions of the decade 1850-1860 are seen prescribing to one extent or another a registration system in the growing centres of population, so as to reduce the danger of false and repeated personation at the polls.<sup>1</sup>

The new state of Kentucky ordained that elections should last for three days at the request of any candidate, and new Tennessee followed by prescribing two consecutive days.<sup>2</sup> The eighteenth century was then near its close. Likely enough a similar usage had existed previously in Virginia or North Carolina. But the mischiefs

<sup>1</sup> Virginia 1850; Louisiana (as to New Orleans) 1852; Rhode Island 1854.

<sup>2</sup> Kentucky 1792, 1799; Tennessee 1796.

of frequent and prolonged elections have since impressed our American people; and by 1861 and the era of the civil war, elections were almost universally confined by state organic law to a single day, each newly admitted member of the Union favoring that principle.

That controversy as between the ballot and *viva voce* modes of voting whose origin has already been remarked continued far into the nineteenth century. Georgia in 1789, Pennsylvania and South Carolina in 1790, Kentucky in 1792, Vermont in 1793, Tennessee in 1796, each in turn gave fundamental preference to the modern ballot. But Kentucky, veering in her opinion, changed from the ballot in 1799 to *viva voce*, siding in practice apparently with the mother state, Virginia. Georgia's change of mind was somewhat similar.<sup>1</sup> And thus stood that issue at the close of the last century. Since then the use of the ballot under state fundamental law has advanced steadily toward universal acceptance throughout the Union.<sup>2</sup> Original states like New York and Maryland, which had once experimented with the *viva voce* method, abandoned it forever.<sup>3</sup> And the fair distinction drawn in 1790 by Pennsylvania's constitution is seen recognized in various other state instruments framed previous to 1850, that all elections shall be by ballot except those by legislators, who shall vote *viva voce*. For those in public station should be held by constituents to their public responsibilities and be judged by the record, while to the voter an honest independence as among candidates is the chief essential.

But while the method of voting remained debatable, we see in the various conventions of new states of the Mississippi Valley a disposition either to compromise or evade the present issue. Mississippi in 1817 at her admission ordained that the first state election should be by ballot and all future elections "regulated by law;" Alabama in 1819, that all elections should be by ballot until the assembly directed otherwise; and Indiana in 1816, earlier than either, that all popular elections should be by ballot, provided that the legislature might, if thought expedient, change in 1821 to the *viva voce* plan, after which time the rule should be unalterable. All such dexterous expedients seem to have ended, as they ought, in establishing permanently for each state concerned the written or printed ballot. But Illinois on the contrary put the burden of proof upon advocates of the ballot, just as Georgia had done in 1798; her new constitution of 1818 ordaining that all votes should be

<sup>1</sup> Georgia's constitutions of 1777 and of 1789 had favored the ballot, but that of 1798 required the electors to vote *viva voce* in all popular elections until the legislature should direct otherwise.

<sup>2</sup> See Ohio 1802; Louisiana 1812; Connecticut 1818.

<sup>3</sup> New York 1821; Maryland 1810.

given *viva voce* until the legislature enacted otherwise. Even such expedients, however, could not stem the current; for in 1848 Illinois permanently espoused the ballot under a new state constitution. Georgia made apparently no change with regard to legislative option, whatever might have been its course of action. Missouri's convention in 1820 seems to have evaded the issue altogether; while Arkansas in 1836 gave clear preference to *viva voce*, just as Illinois had done when first entering upon statehood. The tendency of the century had now become unmistakable for taking the popular vote by ballot; and Michigan's concession in 1835 that township officers might be elected *viva voce* marks the extreme limit for suffrage by voice and a show of hands, so far as American practice finally shaped out elections by the people.

Down to the civil war, however, while states such as we have mentioned might be thought doubtful in their dissent from the ballot, Virginia and Kentucky stood sturdily together to resist the gathering sentiment of sister states. And in the appeal to unflinching manliness at the polls these two states insisted still that every voter should show at the hustings the courage of his personal conviction. Custom and statute law seem to have fixed early the *viva voce* standard for the Old Dominion, though her organic law down to 1830 was silent on the subject. But Virginia's new constitution of that year gave to the filial Kentucky a pronounced support, by the declaration that "in all elections" to any office or place of trust, honor and profit the votes "shall be given openly or *viva voce*, and not by ballot." And once again in 1850 the emphatic and somewhat humorous expression of Kentucky's constitution, a few months earlier, was duplicated in the new Virginia document of that year, that "in all elections" whether by the people or the legislature "the votes shall be personally and publicly given *viva voce*, provided that dumb persons entitled to suffrage may vote by ballot." All this, however, won no more proselytes; for by this time all new states of the Union favored successively the ballot in their written constitutions; and while the civil war progressed, a decade or more later, Virginia recanted such views and conformed to American practice.<sup>1</sup> State reconstruction following the civil war completed the organic triumph of the ballot-box throughout the United States. Free from all military coercion in her organic institutions, Kentucky seems to have kept longest to the old method; but in 1891 her constitution, too, was remodelled; and one clause of that instrument expressly declares that all elections by the people shall be by "secret official

<sup>1</sup>Virginia and West Virginia, 1863-1864. Every voter shall be free to use an open, sealed or secret ballot as he may elect; West Virginia, 1872.

ballot." This full phrase sanctions the improved method of voting which our latest generation has adopted. Instead of the manifold private and partisan ballots once pressed upon each voter by rival canvassers at the polls, we now have in nearly every state, and as part of the organic law where new state constitutions or amendments dispose of the subject, an official ballot, publicly printed and prepared on what is known as the "Australian plan," on which appear the names of all party candidates for the voter's own secret mark of preference. A system, in short, guarding better than ever before the individual's choice and freedom from corrupt and insidious solicitation is the reform of the American franchise which signalizes the last decade of the nineteenth century.

The growing evils of machine politics and demagogism in our land are met by numerous provisions in the state constitutions of the last forty years, whose main object is to preserve at all hazards the purity of the ballot box and the rights of each honest voter. Hence are found many details as to ballot methods, registration, and the appointment of inspection officers to prepare and revise voting-lists, especially in the large cities. Those kept at asylums or prisons at the public expense are forbidden to vote, while bribery or intimidation at the polling places, and all false personation, are crimes severely denounced for punishment,<sup>1</sup> and fit reason moreover for depriving one of the rights of elector.

A certain brief period of local residence is usually made indispensable to adult exercise of the right of suffrage, such for instance as a residence within the state for two years and within the town half that time. One must at all events, according to most precedents, vote only at the place where he resides, and within the first half of this century local residence for both voter and representative candidate became strongly insisted upon, as it has been ever since.<sup>2</sup>

Various organic provisions of a miscellaneous character have qualified the electoral franchise. Thus South Carolina in 1810 expressly excluded paupers and non-commissioned officers of the United States from such exercise. State suffrage has been usually confined to the native-born and to those naturalized under the laws of the United States, except for residents in the last century during the Revolution or when the federal constitution was adopted.<sup>3</sup>

<sup>1</sup> See for such details the constitutions of Maryland (1867), Missouri (1875), Colorado (1876), and New York, amendments (1894). New York here provides for registration lists and a bi-partisan election board. A few states have shown a fundamental dislike to registration provisions, as in Texas, North Carolina and West Virginia constitutions, 1870-1876.

<sup>2</sup> *Scmble*, that under South Carolina's constitution of the last century a freeholder might vote where he held land, even though not a resident.

<sup>3</sup> Vermont by 1828 abolished a right given in 1793 to denizens who were not naturalized citizens.

It has been usually denied expressly to paupers and confined criminals. During the civil war and subsequently, gratitude to the citizen soldier induced in various loyal states some special extensions of the franchise for the special benefit of that class of persons.<sup>1</sup> Idiots and insane persons are always implied and often expressed exceptions to the exercise of local suffrage. While the Native-American party existed in our politics, an amendment in 1858 to the ancient constitution of Massachusetts compelled an additional residence of two years within the jurisdiction of the United States subsequent to naturalization before any person of foreign birth should be entitled to vote or be eligible to office; but gratitude to the foreign-born who went forth to battle for the Union caused the repeal of that amendment in 1863. In various states at the Northwest the right to vote has on the contrary been extended to aliens declaring their intention even before they reach the full condition of naturalized citizens of the United States, but latterly some reaction from this policy has set in.<sup>2</sup>

Negro disqualification before the civil war and the national effort since that period to extend the suffrage to a once servile race we need not dwell upon. Under the fifteenth federal amendment all distinctions of race, color and previous servitude are forbidden; but while slavery lasted in America there were very few state constitutions outside of New England (Pennsylvania until 1838 being perhaps the only exception) where "free white men" or "white males"<sup>3</sup> was not the recognized definition of the state voter, whether in slave-holding or non-slave-holding states. Even in the era following the civil war the great state of New York would not consent to establishing equal negro suffrage until after a long political struggle which lasted until 1874. California in 1879 expressly excluded all Chinese from voting.<sup>4</sup> Hitherto the American rule with trivial exceptions has been under the most liberal conditions that of manhood suffrage; and the admission of woman partially or fully to the same privilege becomes an agitating issue, of whose final outcome in states already organized upon the old basis of government it is yet too early to judge.<sup>5</sup> That the legislature may disfranchise those con-

<sup>1</sup> See Massachusetts, 1881, as to paupers who had served in war.

<sup>2</sup> Texas and Minnesota in 1896 pronounced strongly for constitutional amendments more restrictive. See also New York (1894) forbidding a naturalized foreigner to vote within ninety days after receiving his naturalization papers.

<sup>3</sup> New York in 1821 established a partial and peculiar discrimination as to negro voters.

<sup>4</sup> *Seem* in conflict with the fifteenth federal amendment.

<sup>5</sup> See Minnesota's partial permit to the legislature in 1875; Utah's constitution as a state, etc.

victed of infamous crime is a permission, founded upon sound reason, which at this day is largely bestowed.

Under some of the earliest constitutions of the new federal epoch electors were specially privileged from arrest (except for specified heinous offences) during their attendance at the elections or while going and returning ; and this privilege from arrest has become in this century a feature of many state constitutions.<sup>1</sup> And during our latest era the American disposition has increased to combine elections, so as to reduce their number and frequency and give the local people of a state relief from political turmoil and excitement. State and national elections have in consequence been set for the same day, where formerly they were held in different months of the same year ; and biennial state elections for both the highest executive officers and the legislature are now decidedly preferred to those annual pollings once deemed essential to liberty.<sup>2</sup>

Not only in the extension of voting membership, but through increased opportunities for exercising the power to choose among candidates, has the elective franchise made immense progress during the past century in these American states. The choice of local, town and county officers at the polls has been constantly maintained from the colonial age, and more than ever do such incumbents derive their agency from the people. Instead of choosing members of a single representative assembly or of the most numerous branch only of the legislature, as formerly, the mass of voters in each state have become, through the gradual assimilation in representative character of the two houses of a state legislature, electors on a uniform basis of qualification to both state senate and house. While for years after American independence was declared the chief magistrate of many states was chosen by the legislature, that choice now vests in the general body of state voters instead, as does also that of most other high executive officers, and, by as nearly a direct process as the federal constitution permits, of president and vice-president of the United States besides. Finally, and as the full triumph of free suffrage longest opposed by conservative citizens, judges and all officials connected with the machinery of the courts are now chosen by the voters in nearly every state. The march of the American democracy to power has proved irresistible.

JAMES SCHOULER.

<sup>1</sup> Pennsylvania, Delaware, Kentucky and Tennessee, 1790-1799. The phrase is suggested by that clause of our federal constitution which defines the privilege for members of Congress.

<sup>2</sup> The old maxim was that "where annual elections end, tyranny begins."



## THE AUTHORSHIP OF THE FEDERALIST

THE arguments presented by Professor Bourne in the last number of the AMERICAN HISTORICAL REVIEW on the authorship of the disputed numbers of *The Federalist* appear to me open to a very serious objection so far as they attempt to prove the authorship by mere resemblance to ideas to be found in other writings of the same men, or by the use of certain authorities in their references. Any one who has studied the period in which *The Federalist* was written must realize that the air was filled with certain principles and facts, which were used by the writers of *The Federalist* as well as by many others, and for this reason any attempt to settle the question of the disputed numbers from mere similarity of thought is necessarily unsafe. From the letters of "Brutus," the great opponent of "Publius," could be selected a series of extracts that would go far to prove that the former was the writer of the disputed numbers of *The Federalist*. The same conditions which produced a dispute as to authorship served to produce a likeness in the essays; for they were penned by men who had been reading the same books and listening to the same debates, and whose minds were therefore necessarily for the moment steeped with the same material. Undoubtedly, too, there was some consultation between the writers of "Publius," with inevitable mutual coloring, and the letters were written with such haste that no one essay could especially impress itself on the mind of the writer. But an even greater cause than this matter of "stock" phrases and exchange of ideas, for the confusion and resulting contradiction of the writers, was the fact that both Hamilton and Madison were members of the conventions called in their respective states to discuss the constitution, and in their speeches, necessarily, went over the same points that had been discussed in *The Federalist*. Hamilton was charged by an enemy with "retailing" Publius to the New York state convention, and a reading of Madison's speeches in that of Virginia shows that he, too, made

large drafts on *The Federalist*.<sup>1</sup> When, therefore, the moment came that its writers could look over the collected edition it is not strange that much of it read so familiarly to each that he honestly thought himself the writer. Granting the possibility, therefore, that both men should be misled, the question becomes not what each author thought, but purely what other evidence than their opinions goes to prove.

But before dismissing this question of memory one fact of value cannot be omitted. Madison left New York three days after the last essay in dispute was published, and was at once engaged in the heat of party strife in Virginia, tending to obscure his memory on the question of authorship, and making it improbable that he could give the volumes of *The Federalist*, when they presently appeared, any careful examination for some time. Strange though it may appear, Madison apparently possessed no copy of the first edition, having presumably given away all those sent him by Hamilton.<sup>2</sup> On the other hand, while Madison was engaged in occupations likely to make him forget or confuse the part he had borne in the undertaking, Hamilton was revising the newspaper articles and seeing them through the press for the book edition. There is not an essay in the collected edition of 1788 in which he did not make from ten to twenty verbal corrections, implying careful study of the text, and as this revision was done within two months of the appearance of the essays in the newspapers, and before Hamilton had confused matters by "retailing Publius" in the New York convention, it is obvious that he refreshed his memory in a way most certain to fix the authorship clearly in his mind.

These facts being considered, it becomes of importance to find what is the earliest date at which each of the disputants asserted his claim of authorship. So far as is known, Madison's was first noted in a copy of the edition of *The Federalist* printed in 1799, or eleven years after the appearance of the essays. Hamilton's earliest statement was made to Chancellor Kent, and as he is spoken of in the memoranda as "general Hamilton" it must have been made while he held that rank, or in the years 1798 or 1799. Thus both assertions practically rest on equal ground, so far as time is concerned.

But one piece of evidence deserves mention, because it seemed at one time to threaten that Madison's claim was to be lost by default. Hamilton's list was published in a widely read periodical in

<sup>1</sup> From these Professor Bourne, by parallel columns, cites extracts to prove that Madison wrote the disputed numbers. But would it not be as good evidence if he quoted the paraphrasing of Montesquieu in *The Federalist* to prove that "Publius" wrote the *Esprit des Lois*?

<sup>2</sup> His copy was one of the edition of 1799.

1807, and the edition of *The Federalist*, printed in 1810,<sup>1</sup> gave further currency and authority to Hamilton's view by ascribing the numbers according to one of his statements. Yet not one word of denial was publicly made by Madison, or by any of his friends for him, until 1817. It has been urged in explanation that Madison's official positions prevented his entering into a controversy, but an adequate reply is furnished by the fact that through his friends the secretary of state and president conducted several newspaper controversies in these very years.

Another point worth considering is the fact that Hamilton held by far the readier pen, and as the originator of the series undoubtedly intended to take the laboring oar. Madison was the last one of the three to join in the undertaking, and in the first thirty-six essays he wrote but two entirely by himself, the remaining three in which he bore a part having been begun as well by Hamilton. With this in mind let us consider a circumstance that marks a peculiarity in Madison's chief share of the work.

At No. 37 Hamilton for the time being ceased all work,<sup>2</sup> and Madison took up the task and wrote twelve consecutive essays, immediately following which come the twelve in dispute. The question naturally arises, Why should Hamilton suddenly transfer to Madison the continuance of the series, throwing upon him all the work? and the reason is not far to seek. No. 36 of *The Federalist*, or the last of Hamilton's contributions, was published on January 8. On January 15 the New York Supreme Court began its winter term, and Hamilton, as a busy lawyer, was called upon to attend

<sup>1</sup> One fact of interest in this edition is that it gives Hamilton as the author of No. 54, thus showing that there was a list "in his own handwriting" in existence at that time which corrected the obvious error he made in the Benson list.

<sup>2</sup> A very valuable piece of evidence on this question of authorship has been buried for a long time by the mistakes of Hamilton's two editors in labelling a paper printed in both editions as a "Brief of Argument on the Constitution of the United States," though the text of the paper bore no heading whatsoever. Study of it should have clearly indicated that it is a preliminary outline of *The Federalist* from the point at which Hamilton was interrupted in his composition by his legal and political occupations, and it was presumably drawn up as a guide for Madison in his continuance of the task. In accordance with this theory, we find the latter closely following, in the succeeding numbers, the outline here proposed, and by merely transposing the last portions headed "Powers" and "Miscellaneous Advantages" so that they precede that headed "Review" we have the arrangement of ideas adopted in *The Federalist* from the point at which Madison began. The syllabus is especially valuable in view of the dispute over the authorship, for it shows how sharp a line Hamilton drew between the "Powers" and the "Review" of the three departments, the latter being evidently considered by him as one synthetic whole. A comparison of No. 39 with "A" and "B" reveals how thoroughly Madison absorbed the syllabus in this number, and as that has been the most quoted of all those from Madison's pen the source of his ideas possesses much interest. See Hamilton's *Works*, II. 463.

it.<sup>1</sup> Furthermore, on January 11 the New York state legislature assembled, and Hamilton, who was a candidate for membership of Congress, was involved in a political campaign akin to the modern senatorial election. These joint occupations necessarily made such drafts upon his time that he could not continue *The Federalist*, and that there should be no break in it Madison assumed the entire task of carrying it on. The term of the court ended on January 25. We therefore have the choice of inferring that Hamilton at once resumed his work on *The Federalist* or else that he resumed it when Madison went south.<sup>2</sup>

Turning from these extraneous facts to those which can be drawn from the essays themselves, the first point deserving consideration relates to a condition implied by joint authorship. A moment's thought will suggest that a work produced in this manner must force upon each writer a little difficulty in maintaining in a nominally consecutive work an appearance of homogeneity. When an essay was to follow one written by the same author sequence was possible, but when it was to succeed one he had not written or read, the task was not easy. Necessarily, then, one would expect a certain disjointedness of connection, and this is the very thing one does find on examining the points where a new writer assumed the pen. Thus No. 10, by Madison, is an essay on faction, yet though the preceding letter was on the same subject, No. 10 does not continue the first, but is a distinct essay. Following this are three essays on the defects of the Confederation, by Hamilton, and then comes No. 14, by Madison, which is really a continuation of No. 10, and marks therefore an absolute break in the subject of both the letters which precede and those which follow it. If the authorship of these six numbers were not known, it would be possible to decide, from internal evidence, at what points a different writer undertook the labor. Nor does the obvious difference between a man opening an essay which follows one by himself as compared with his following one by another fail to show itself at every change of writer known to have occurred. By examining the opening phrases of Nos. 10, 14, 18 and 37, in which Madison began his contributions, the disconnection with the preceding numbers is made obvious, and the same is true of Nos. 2 and 64, in which those by Jay began. But

<sup>1</sup> That the courts gave Hamilton so much occupation as to force him to suspend his work on *The Federalist* is proved in a letter from him to Madison in April, 1788, when he wrote: "If our suspicions of the author be right he must be too much engaged to make a rapid progress in what remains. The Court of Chancery and the Circuit Court are now sitting." Turning to *The Federalist* we find at this very point a gap of over two months in the publication of a number.

<sup>2</sup> No. 48 was published on Feb. 2. Madison went south on March 4.

most marked of all are the opening sentences with which Hamilton resumed his part, and as they are of value, in the present consideration, they are quoted here :

No. 6. "The last three numbers of this work have been dedicated to an enumeration of the dangers . . . ."

No. 11. "The importance of the union in a commercial light . . . ."

No. 15. "In the course of the preceding papers I have endeavored . . . ."

No. 21. "Having, in the last three numbers, taken a summary review . . . ."

Here, then, in three cases are evident attempts to attach new subjects to previous essays so as to imply a sequence that was absent in the subjects and treatment. With this as a clue, if we run through the letters from No. 37 to No. 63 (after which there is no dispute), but two natural breaks are to be found, at Nos. 47 and 52, which severally begin :

No. 47. "Having reviewed the general form of the proposed government . . . ."

No. 52. "From the more general inquiries pursued in the four last papers . . . ."

If the analogy of the previous openings is allowed as evidence, it is at one of these two points, then, that we should conclude that a new writer had begun.

With these facts to work upon, an examination of the five essays, Nos. 47 to 51, shows them to be a discussion of the apportionment of the powers of government among the three departments. The general extent of these powers had been already discussed in the immediately preceding numbers, and a more minute survey of their relation to the three departments is the subject of the remaining essays almost to the end. They can therefore be considered as belonging to either. From Madison himself, however, we get a clue, for in No. 41 he distinctly assigns them to the second series.<sup>1</sup>

But whether this is accepted as proof or not, an examination of these five forces the inference that they were all written by one man.

The authorship of Nos. 37 to 48 is given to Madison by every known list, so it is difficult to avoid concluding that the apparent

<sup>1</sup> "The Constitution proposed by the Convention may be considered under two general points of view. The FIRST relates to the sum or quantity of power which it vests in the Government, including the restraints imposed on the States. The SECOND, to the particular structure of the Government, and the distribution of this power among its several branches.

"Under the first view of the subject two important questions arise: 1. Whether any part of the powers transferred to the General Government be unnecessary or improper? 2. Whether the entire mass of them be dangerous to the portion of jurisdiction left in the several States?" (Opening paragraphs of No. 41.)

break between Nos. 46 and 47<sup>1</sup> merely represents the beginning of a new subject by the same pen, and not a change of writer. Furthermore we have the excellent authority of James Kent for the statement that "Mr. Hamilton told me that Mr. Madison wrote 48 and 49, or from pa. 101 to 112 of Vol. 2d." No. 50 was almost surely written by the same hand which penned No. 49, and No. 51 was certainly composed by the writer of No. 50. Furthermore these essays discuss the powers chiefly from the historical and theoretical standpoints, views for which Madison had strong predilections. A candid survey of the facts therefore will, we think, lead every unbiased student to agree with Professor Bourne in assigning them to one author, and the balance of evidence certainly points to James Madison.<sup>2</sup>

But the same internal evidence shows that with No. 52 a minute and homogeneous examination of the structure of the government is begun, in which the three departments are analyzed point by point. That one man wrote Nos. 52 to 58, that a second contributed Nos. 59 to 61, that then the original writer resumed his work in Nos. 62 and 63, and that finally the task was again assumed by the second writer and completed by him, the essays themselves give no evidence. With the exception of the insertion of one essay (No. 64, on the treaty-making power of the Senate, which was given to Jay because of his diplomatic experience), it is difficult to resist the conviction that the whole remainder of the letters is the work of one writer and one prone to take the practical rather than the theoretical view of things.

<sup>1</sup>One curious fact to which attention has never been called is that Taylor, in his *New Views of the Constitution*, 1823, divides the authorship at No. 46, giving No. 47 and all that follow to Hamilton. Yet though he was the friend and correspondent of Madison, and though this book was well known to the latter, neither publicly nor privately, so far as is known, did he correct Taylor's conclusion.

<sup>2</sup>One rather singular piece of evidence contradictory to the above conclusion is furnished by the comparative length of the different essays. When examining in the newspapers the original text of *The Federalist*, my attention was called to the fact that the letters contributed by Hamilton rarely overran a column and a half, while those by Madison seldom filled less than three columns. I therefore carefully estimated the lengths of each man's work, to find that the average length of the fifty essays unquestionably written by Hamilton is 1800 words; of those certainly written by Madison 3000 words. Madison wrote in the undoubted numbers (Nos. 10, 14, 37-46) but two essays of less than 2300 words, and Hamilton but once wrote one of 3000 words, except in the last five, when an evident attempt was made to finish the series up quickly. Testing Nos. 49 to 58 and Nos. 62 and 63, the average length is found to be 1800 words. No. 47 contains 2700 words; No. 48, 1800 words; No. 49, 1600 words; No. 50, 1100 words; No. 51, 1800 words; No. 52, 1700 words. It is needless to add, to any one who has studied the writings of the two men, that the difference between the two styles in this very respect is most noticeable. Madison is wordy and seems to have little ability to express an idea with brevity. Hamilton is direct and compact to an extent which made him a famous draftsman in his day, and few men have ever equalled him in his power of stating a thing tersely.

Examining Nos. 52 to 58 and 62 and 63 in detail, we find several small facts which throw light on the question of authorship. In Nos. 52, 56, 57, 58 and 63 are citations of examples in English history, like reference being numerous in many of Hamilton's essays, but only two passing references to Great Britain are to be found in any of those written by Madison.<sup>1</sup> The same difference is noticeable in the papers prepared by the two writers for the use of the Federal Convention—Hamilton's "Brief" of his speech, and Madison's "Notes"—the first citing British example frequently, the latter not once.<sup>2</sup>

In Nos. 53, 54 and 56 are paragraphs discussing taxation, and the first and last of these letters also discuss the militia, both of which subjects Hamilton had familiarized himself with, and which he had made his own topics in the earlier essays.

No. 54 is a discussion of slave representation, written nominally from the southern point of view, but really from the northern. Not once did Madison allude to this famous clause in the Virginia convention, but Hamilton spoke a résumé of this essay in that of New York. The cause for this is obvious: the "federal number" needed no defense in Virginia; in New York the contrary was true. But an even greater reason for Hamilton's taking up this particular point was the fact that on February 7, 1788, there had appeared in the *New York Journal* a letter entitled "The Expositor" savagely attacking the slave compromise and charging of Hamilton himself that "The delegate from this state acceded to it alone on the part of this state" and adding "I cannot help thinking it a most daring insult offered to the freemen and frecholders of this state, besides being an unparalleled departure from his duties to this state as well as to the United States." Necessarily this attack could not be disregarded, and the impersonal reply to it in No. 54 was published exactly one week later, on February 14. It seems almost conclusive under these circumstances that it was written by Hamilton. Another opinion in this number furthers this probability. The writer praises the "federal number" on the ground that it introduces through the slave a partial representation of property. This was a favorite idea of Hamilton's, for which he had spoken in the Federal Convention, and for which he praised this clause in one of his speeches in the New York convention. To this idea of property representation Madison was absolutely opposed.

<sup>1</sup> I omit here the résumé in No. 47 because, from what has already been shown, this number cannot be positively ascribed to Madison.

<sup>2</sup> In Madison's supplementary notes, prepared for use in the Virginia Convention, he cites British example, but this was after *The Federalist* had called his attention to the value of the material.



In No. 52 the writer is in doubt as to the term of office of the colonial assembly of Virginia before the Revolution; a fact so notorious in that state that it could not have been unknown to Madison.

In No. 63 the writer praises the British House of Lords, something Madison would not have done. Hamilton on the contrary had been most open in his admiration of the British government, and so admired this particular branch of it that he had but just modelled the senate in his proposed constitution as closely upon it as he could. This essay, too, devoted a paragraph to the senate of Maryland, which Hamilton had already noticed with some attention in his "great" speech in the Federal Convention.

In Nos. 54 and 57 the mention of local circumstances, of New York state, of New York city, and of Albany county, point to the knowledge of Hamilton rather than to that of Madison.

Finally and most conclusive, in the republication in 1788 of the letters in book form, Hamilton inserted in the newspaper text of No. 56 a paragraph relating to military affairs, and as he was scrupulous in correcting the numbers not written by himself to limit his changes to merely verbal improvements, this addition amounts to an assertion of authorship within two months of its writing. Strangely enough, in the edition of 1818 in which "the numbers written by Mr. Madison" were "corrected by himself," this insertion of Hamilton's was retained.

From the preceding facts, in which, so far as possible, all evidence that is of value has been included, without regard to whether it told for or against a particular man, it appears that Madison probably wrote Nos. 49 to 51, and Hamilton Nos. 52 to 58 and Nos. 62 and 63, of those essays on which we find their testimony in direct contradiction.

PAUL LEICESTER FORD.

#### REMARKS BY PROFESSOR BOURNE.

MR. FORD's paper, upon which I am invited to comment, offers a different solution from the one reached in my article in the last issue of the REVIEW, and the method employed is also different. His conclusion is at variance with all the lists, while mine is in accord with Madison's testimony. The amount of evidence necessary to prove a conclusion contrary to the combined testimony of Hamilton and Madison is obviously much greater than that required to prove a case in harmony with the assertions of either one.

Mr. Ford begins by objecting to conclusions drawn from comparisons of language and thought. A general objection of this sort

has little weight. Every piece of historical criticism must stand or fall on its own merits. Internal criticism may be applied in a rash or an ignorant fashion, but it must be met point by point. Mr. Ford has failed to examine my method with care or he would not have made the comparison about the *Espit des Lois*, nor alleged that I quoted Madison's speeches in the Virginia convention to prove that he wrote the disputed numbers. I did that only once, p. 453, and, if that instance is examined critically, it will be seen that it was perfectly legitimate. All the other parallel passages from Madison are from his letters or memoranda written before *The Federalist*.

The next point that Mr. Ford makes is that Madison's opportunities for remembering the facts about the authorship of the disputed numbers were not as good as Hamilton's. That may be true as he puts the case, but Madison was a methodical man, and he may have kept a list from the beginning. However that may be, in the only case that can be tested with absolute certainty, that of the authorship of Nos. 18, 19 and 20, I have shown that Madison did remember the facts far more exactly than Hamilton. Mr. Ford offers no instance where it can be proved that Hamilton was more nearly right than Madison.

Mr. Ford next tries to establish the earliest dates of Madison's and Hamilton's lists, but his conclusions cannot be accepted. In the first place it is an unsupported conjecture that Madison's list was no older than the date of the copy of *The Federalist* that he sent to Gideon in 1818, *i. e.*, not earlier than 1799. Second, we have Madison's own assertion that his list was an early one, if not substantially a contemporary one. He wrote Robert Walsh, in 1819, as follows: "If I have any interest in proving the fallibility of Mr. Hamilton's memory, or the error of his statement, however occasioned, it is not that the authorship in question is of itself a point deserving the solicitude of either of the parties; but because I had, at the request of a confidential friend or two, communicated a list of the numbers in that publication, with the names of the writers annexed, at a time and under circumstances depriving me of a plea for so great a mistake in a slip of memory or attention." (*Writings of James Madison*, III. 126.) Again in his letter to Paulding (1831), Madison says that his assignment, "if erroneous, could not be ascribed to a lapse of memory," but to a lack of veracity. He calls it "the distribution communicated by me at an early day to a particular friend, and finally to Mr. Gideon." Hamilton's lapse of memory he attributes partly to "the period of time, not less than — years, between the date of the *Federalist* and that of the memorandum." (*Writings*, IV. 176–177.) All this is decisively against

the unsupported hypothesis that Madison did not draw up his list until twelve years had elapsed.

Again, the fact that Chancellor Kent calls Hamilton "General" fixes the date only in one direction, *i. e.*, Kent would not have called Hamilton "General" at a date prior to his holding that rank; nor would he, on the other hand, cease to call him so after he had left the army. Such titles stick to men the rest of their lives. Dawson, for example, in his introduction styles Hamilton "General," but that does not indicate that Dawson wrote in 1798 or 1799.

The passage just quoted from Madison's letter to Walsh gives the probable reason why he did not enter the discussion earlier.<sup>1</sup>

In regard to Mr. Ford's next point, relating to the subdivision of the work, I will refer to my previous discussion of that matter, pp. 446-447. The suggestion that what Lodge (I. 497) prints as "Brief of Argument on the Constitution of the United States" was a draft for Madison's guidance in writing his numbers is interesting, but it will hardly stand examination. It is intrinsically improbable that Hamilton would have thought it necessary to outline for Madison the line of argument to be followed in defending the details of a constitution which he more than anyone else had made, and in the making of which Hamilton had taken little active part. It is doubtful if Madison would have accepted any such subordinate position. John C. Hamilton (*Republic*, III. 519) identifies this piece as the draft of the latter part of Hamilton's speech of July 13. Inasmuch as the things to be discussed in a speech defending the constitution and in *The Federalist* are the same, the heads to be taken up would necessarily be almost identical. To fit this "Brief" to his hypothesis, Mr. Ford rearranges the heads or topics. Even then the likeness is noteworthy in only a part of the topics. The decisive argument against Mr. Ford's conjecture is the fact that some of the heads reproduce the topics of some of Hamilton's earlier numbers. Compare, for example, "D" of the "Brief" with *The Federalist*, No. 9; also, Powers II. with No. 22, and Powers I. with No. 23. Second, while the historical examples of republics cited by Madison in No. 39 could not be very different from those which Hamilton might cite, owing to the limited number of well-known republics,

<sup>1</sup> I am able to supply some information about the "list in his [*i. e.*, Hamilton's] own handwriting" from which the assignments were obtained for the edition of 1810. In the Virginia convention of 1829 Charles Fenton Mercer said: "This volume, the third of an edition of Hamilton's works, the editor of which, he supposed, had obtained his key to the names of the authors of Publius from a manuscript of Mr. Hamilton which he saw many years ago, in the possession of the late Richard Stockton, an eminent statesman of New Jersey." (*Virginia Debates*, 1829-30, p. 188.) The 1810 edition still assigned No. 64 to Hamilton.

yet the similarity between the two documents is mainly in the use of this common material. The portion of 39 which has been so frequently quoted is the analysis of the federal and national elements of the Constitution, and of this famous analysis there is not a vestige in Hamilton's "Brief."

Mr. Ford tries to show that it was his professional engagements that led Hamilton to suffer Madison to write twelve consecutive numbers, but Madison was early invited to take part, and the real question is not why he wrote so many after No. 37, but why he wrote so few in the first part (cf. my article, p. 446). Jay did not write more because of his illness during that winter. Mr. Ford's parallel example in April is not well taken, for the reason that although no more numbers were published in the journals for over two months the rest of the numbers were written in April or possibly earlier. May 4th, Hamilton wrote Madison: "The second [*i. e.*, volume of Publius] will be out in the course of a week." (*Writings*, VIII. 183.) When the first volume was issued, March 22, the publishers announced: "The second is in the press." (Dawson, p. lviii.) It is obvious that the last eight numbers were written and the second volume carried through the press at the time when Mr. Ford concludes that Hamilton suspended his labors.

Mr. Ford's argument from transitions and so-called breaks seems to me a very precarious one. In fact it breaks down just at the point where it ought to be strong. There is such a typical "break" at the beginning of No. 47, but as all the testimony is against a change of authorship at that point he concludes that the "break" merely indicates the taking up of a new subject by the same writer, whereas at No. 52, the evidence being conflicting, the "break" indicates a new writer and not a new subject, although the subject is new. An examination of these transitions in general seems to me to show that they are not significant unless you know beforehand what they mean.

In assigning Nos. 49, 50 and 51 to Hamilton Mr. Ford apparently does not realize that he raises Hamilton's certain errors to five (including 54 and 64), and proportionately strengthens Madison's testimony.

Mr. Ford next suggests a length-test, but if it is valid it counts against his conclusions in regard to Nos. 49-51; if he is right in these conclusions his length-test breaks down, for we have in that case four short papers from Madison in succession. On the other hand Nos. 62 and 63 contain about 2500 and 3000 words.

Mr. Ford ignores the striking break in continuity between Nos. 61 and 62, where 62 obviously joins on to No. 58.

The evidence from references to English history is unfairly weighed, because the cases in No. 47 are omitted on the ground that it cannot be positively ascribed to Madison. The only evidence against the unanimous testimony of all the lists in regard to 47 is the extremely equivocal transition or "break" test. It is impossible to believe that Madison, who was one of the most careful students of history of the time, had to have his attention called by Hamilton to the utility of examples from English history. I have called attention to the fact that Madison was reading at this time Burgh's *Disquisitions*, which are quoted in No. 56. Madison's "Notes" being "Notes of Ancient and Modern *Confederacies*," would not naturally contain facts about England.

In regard to No. 54, I will refer to the points made in my article, p. 452. As the number is put into the mouth of a Southern statesman, whether Madison or Hamilton believed in the arguments is irrelevant; the only requirement is that the arguments should be such as a Southerner would use.

That Madison was "absolutely opposed" to property representation is asserted without evidence, and, in fact, is a mistake. He wrote in 1785: "In a general view, I see no reason why the rights of property, which chiefly bears the burden of government, should not be respected as well as personal rights in the choice of rulers." (*Writings*, I. 181; cf. also p. 187.)

In regard to the uncertainty expressed in No. 52 on the term of the Virginia assembly, it may be said that as "Publius" pretended to be a citizen of New York, that uncertainty might have been assumed as a natural touch for a New Yorker.

There is no praise for the House of Lords in No. 63. It is merely cited to prove that there is no danger to be feared from the organization of the Senate when an aristocratic body like the Lords have not been able to hold their own against the Commons.

The reference to the senate of Maryland, as far as it goes, points to Madison's being the author of No. 63, rather than Hamilton. In the Convention Madison said of it: "In no instance had the Senate of Maryland created just suspicions of danger from it." Hamilton, on the other hand, said: "The Senate of Maryland has not been sufficiently tried." (Scott's ed. of the *Debates*, pp. 155 and 182; cf. also Madison's favorable opinions in his *Writings*, I. 177 and 186.)

The mention of local circumstances of New York state, etc., in Nos. 54 and 57 contains nothing beyond the ordinary knowledge that an intelligent man would acquire in a few months' residence. Furthermore there are similar references to several other states in No. 57.

As for the insertion of an additional paragraph in Number 56 when it was republished in the edition of 1788, the conclusions Mr. Ford draws are by no means so sure as they seem to him. When I wrote my article I took it for granted that Lodge was right when he said the insertion was first made in the 1802 edition, but the fact, first brought out by Mr. Ford, that it was made in 1788 puts a different face on the matter. The number was published February 19, and Madison did not leave New York till March 4. According to the announcement made March 22, a part of the second volume at least was already in the hands of the printers. It is not at all improbable that that insertion may have been made with Madison's assent, or by him at Hamilton's suggestion. We are informed that Hamilton was very scrupulous not to make changes in numbers not his own when the edition of 1802 was prepared, but any changes in Madison's numbers for the 1788 edition could have been made with his consent. In any case, with this possibility, the argument of Mr. Ford falls far short of conclusiveness. If the change were made with Madison's consent, the retention of the insertion by Madison in 1818 is explained.

EDWARD GAYLORD BOURNE.

## DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

### *1. The First Charter to St. Edmund's Bury, Suffolk.*

ALTHOUGH the name of Abbot Sampson of St. Edmund's has obtained an almost world-wide celebrity, through Carlyle's *Past and Present* and the late Mr. Green's *History of the English People*, his charter of liberties to the abbey's townsfolk, on which the latter writer specially dwelt,<sup>1</sup> was but a confirmation of that which Anselm, an earlier abbot, had already granted them. As Anselm's charter, so far as I know, has never been printed, I here append it<sup>2</sup> not only for its value as a singularly early grant of town liberties, but also as possessing, perhaps, for American students a special interest from the connexion of Suffolk with the settlement of New England.

It is very unfortunate that the long period of Abbot Anselm's rule (1121-1148) prevents us from fixing closely the date of this charter. A careful analysis of the witnesses' names has not enabled me to narrow further the limit of date. We can, therefore, only say that it probably belongs to the early years of Stephen's reign. The document with which we should compare this charter is that which records, under Henry II., "the customs of Newcastle on Tyne" as they existed under Henry I. This document is printed by Stubbs in his well-known *Select Charters*, with an introduction which, I venture to think, minimizes the privileges it records, when it treats them as local bye-laws. They distinctly imply the existence of a community privileged above others.

It is very necessary to distinguish these records of "customary" privileges from a charter "giving" fresh ones, such as that of Archbishop Thurstan to Beverley, also printed in Stubbs's work. In the case of our document, it will be observed that Anselm speaks

<sup>1</sup> See also his paper on "Abbot and Town" in his *Stray Studies*.

<sup>2</sup> From Harl. MS. 639, fo. 5, a transcript of 1633 from Liber Niger of St. Edmund's, fo. 117 b.



of the burgesses having proved their right to these "customs" before himself in his court. We may compare this statement with the remarkable clause in the charter of Richard I. to Colchester (6 Dec., 1189): "sint fora et consuetudines in tali statu quali fuerunt confirmatæ juramento burgensium nostrorum Colecestrie coram justic[iariis] errantibus Domini Regis patris nostri."

The opening clause of Anselm's charter deals with a matter which has never, I think, been sufficiently recognized, namely, that the "ward" system of our towns has its origin in the defence of the gates. Thus at Colchester (in the same district as St. Edmund's) the four "wards" (*custodiæ*) were named "Head," "North," "South" and "East," after the four gates which bore, respectively, those names. The exemption from hundred-court and shire-court was, obviously, no local bye-law, but a special privilege. The "Portmanmoot" played a large part at Ipswich (also in Suffolk). The "year and day" preclusive term is found also in the Newcastle customs, but is here of a sweeping character.<sup>1</sup> The clauses relating to the reeve's license and the right of preëmption by the kin (*retrait lignager*) may be illustrated by reference to my paper on "Archaic Land Tenure in Domesday."<sup>2</sup> The words "intra feudum Sancti Ædmundi" should be noticed as limiting the right of sale.<sup>3</sup> The elaborate provisions for the recovery of debts may be compared with the Newcastle "customs" relative thereto. The provision for payment of burgal dues seems to be aimed at the practice, after the Conquest, of Norman purchasers in towns repudiating the obligations on the tenements they purchased.

J. H. ROUND.

#### CONSUETUDINES BURGENSIIUM.

Anselmus dei gratia abbas Sancti Ædmundi omnibus baronibus et hominibus suis Francis et Anglis omnibusque successoribus suis salutem. Notifico vobis quod hec sunt consuetudines quas burgenses Sancti Ædmundi diracionaverunt coram me in curia mea se habuisse et tempore Æduuardi regis et temporibus Willelmi regis et filiorum eius Willelmi et Henrici et temporibus antecessorum meorum, videlicet Balduuini abbatis et ceterorum abbatum, et quas eis, concessu tocius conventus S. Ædmundi, concessi et confirmavi. Igitur consuetudo illorum est invenire viij<sup>to</sup> homines per annum de iiij<sup>or</sup> custodiis per noctem ad villam custodiendam et in festo S. Ædmundi xvj homines per iiij<sup>or</sup> portas scilicet duos

<sup>1</sup> Cf. Maitland, *Law Quarterly Review*, V. 253, and Pollock and Maitland, *History of English Law*, I. 632.

<sup>2</sup> *Antiquary* (1882), V. 104.

<sup>3</sup> Cf. my paper as above.

homines in die et totidem in nocte et similiter per xij dies natalis domini. Invenient etiam iiij<sup>or</sup> janitores per annum ad iiij<sup>or</sup> portas. Quinta autem porta, id est orientalis porta, est in manu abbatis. Si autem opus fuerit, sacrista inveniet materiem portarum et burgenses parabunt eas. Quod si fossatum quo villa circumdatur reparari debet, si milites de abbacia et liberi sokemanni ibi operantur tunc burgenses ibi operabuntur sicuti milites sive sokemanni quia illud opus non pertinet magis ad burgenses quam ad milites. Quicumque habet in villa S. Ædmundi maisuras de burgali terra pro singulis maisuris dabit per annum preposito singulos obulos [*sic*] ad duos terminos, ad Pentecosten et ad festum Sancti Martini. Præterea non debent ire extra villa S. Ædmundi ad hundretum nec ad comitatum neque ad ullum placitum ut implacentur nisi ad suum portemannemot. Si quis burgensium habet terram in villa S. Ædmundi de patrimonio suo, vel si eam emit vel acquirit legaliter in villa vel in foro et illam tenuerit uno anno et uno die sine calumpnia, et hoc possit diracionare per testimonium burgensium post non respondebit alicui calumpniatori ex adverso venienti. Hanc autem, necessitate cogente, si non habet filium vel proximum parentem qui voluerit et potuerit ei dare tantum pro ea quantum aliquis alius, vendet cui voluerit int[ra] feudum Sancti Ædmundi sine omni licentia prepositi, uxoris, filiorum, et omnium parentum. Si quis prestiterit suam pecuniam alicui infra vel extra villam, et non poterit eam habere ad terminum statutum, et hoc fuerit recognitum in ipsa villa, accipiet namam [*sic*] pro ea. Si autem inde vadimonium habuerit et hoc tenuerit per integrum annum et unum diem et debitor illud degniare [*sic*] sive deliberare noluerit, et hoc fuerit recognitum, vendet vadimonium coram bonis testibus quantum poterit, et inde suam pecuniam capiet. Si quid autem superfuerit, reddet illi. Si vero inde totam suam pecuniam habere non poterit, iterum namam capiet pro hoc quod illi deest. Si quis adquisivit terram in eadem villa que fuisset de burgali consuetudine, quicumque ille sit, faciet consuetudinem quam illa terra facere consuevit.

Et hii sunt testes: Taleboth prior; Siredus; Ædnothus; Ordinus<sup>1</sup> Gorelmus; Herveus sacrista;<sup>2</sup> Adam dapifer;<sup>3</sup> Wlwardus clericus; Gilebertus filius Fulceri; Willelmus filius Ailboldi; Radulfus de Lodnes;<sup>4</sup> Gilebertus de Lodnes; Ricardus de Lodnes; Rogerus de Gerssing;<sup>5</sup> Radulfus de Bukeham; Hugo de Kersing; Rodbertus de Haltsted; Ailbricus de Capeles; Ailmer de Hwatefelde; Leomerus de Berningeham; Berardus nepos eius; Brian; Owardus; Willelmus filius Petri; Romaldus leo(?); Radulfus constabularius; Osbernus pincerna; Galfridus de Meleford; Johannes de Valle; Rodbertus Malet.

<sup>1</sup> Succeeded Anselm as abbot in 1148.

<sup>2</sup> To whom is attributed the noble gatehouse of the abbey still standing.

<sup>3</sup> Adam de Cokefeld (Cockfield, Suffolk) made *dapifer* by abbot Anselm.

<sup>4</sup> Loddon, Suffolk.

<sup>5</sup> Gissing, Suffolk.

2. *The Clarksville Conventions, 1785, 1787.*

The Anglo-Saxon instinct for government has often been commented upon. Nowhere has it shown itself more strongly than in the progress of the settlement of the United States. Frontier communities, far removed from other settlements, have adopted sufficient governmental organization to suppress disorder and to protect the rights of their citizens. One of the most noteworthy efforts of this kind occurred in Clarksville. This was a settlement formed in southern Indiana, near the falls of the Ohio. I am indebted to Col. Reuben T. Durrett, Louisville, Kentucky, for a sketch of its history. The town was incorporated by the legislature of Virginia in October, 1783, and provision was made for laying out its lots and giving it governing trustees. (Hening, *Statutes at Large*, XI. 336.) The first meeting of the trustees was held at Louisville, August 7, 1784. George Rogers Clark was chairman of the meeting. The act of the Virginia legislature was accepted by the trustees' assigning lots in the town in accordance with its provisions. The town is still in existence and consists of about one thousand acres of land. General Clark believed that it would become a great city, but it has never been of much importance. The convention which framed the accompanying constitution contained twelve members; the convention which amended it contained nine. As the records of the meeting state that these were a majority of all the inhabitants of the town, the population could not have exceeded twenty-three in 1785 and seventeen in 1787. A convention quite similar to the one in Clarksville is discussed in Burnet, *Notes on the Early Settlement of the Northwestern Territory*, 57.<sup>1</sup> The following papers are from the library of the State Historical Society of Wisconsin, Draper MSS., Wm. Clark Papers, I. 103, 105.

CARL EVANS BOYD.

Resolves of a Convention, held at Clarksville on thursday the 27th day of January 1785

At a Convention held at Clarksville on thursday the 27th of January 1785, by the Inhabitants of the Town for the purpose of forming some Laws or regulations to remedy sundry grievances which the said Inhabitants have hitherto lain under. Present, Valentine Thomas Dalton, John Jackson, John Vaughn, Robert George, William Barget, Jonas Scoggin, John McFerson, Francis Holland, John Nelson, Christopher Hunt, Mordecai Richards and William Clark, being a majority of those actually settled in the said Town of Clarksville,—

<sup>1</sup> See also Professor Turner's remarks, *AMERICAN HISTORICAL REVIEW*, I. 78.

The House proceeds to the election of a Chairman when Mr. W<sup>m</sup> Clark was elected,—

1<sup>st</sup> Resolved, that whereas the Honb<sup>ls</sup> the Congress of the united States have not as yet adopted any mode or plan for the Regulation and Government of this our infant Settlement, and it is become necessary to form certain Regulations for the better security of our Lives and property ; The Inhabitants of this Town have a right to assemble from time to time and enact suitable Laws to maintain peace and tranquility among the People ; and which may not be incompatible with the Constitution of the united States, or the Resolutions of Congress.—

2<sup>d</sup> Resolved that some Tribunal be established, with power to summon parties, and hear and Determine all matters of Controversy and award punishment ; and whose judgment shall be final.—

3<sup>d</sup> Resolved that whereas this Convention, for want of time and the assistance of able men, cannot at present form such and so many Laws as may be necessary to direct the Tribunal to be established by this Convention, in their proceedings in every particular ; The said Tribunal so established shall in giving Judgment, govern themselves as near as circumstances will admit, by the Laws of Virginia though they shall not be obliged to empanel Juries and regulate their proceedings by the sundry forms there laid down which would be attended with difficulty and trouble, but shall proceed and determine Controversies, and regulate their proceedings in such a manner, as to them seem best and most likely to maintain peace and good order among the Inhabitants and the number of people going to and from this place, other than in such cases where a Convention of the Inhabitants shall make particular provision,—

4<sup>th</sup> Resolved that William Clark, Robert George, John McFerson, and Valentine Thomas Dalton be appointed to exercise the Judiciary authority, shall take the oath of Office to do equal right and Justice to all Men without favour, affection or partiality to the best of their Judgment, and to be styled Magistrates ; and they, or any three of them shall constitute a Court, with power to summon parties, and hear and determine all matters of Controversy whatsoever.—

5<sup>th</sup> Resolved that on Complaint made to any one of the Magistrates, he shall direct the Sheriff, to be appointed by this Convention, to summon the defendant to appear at a certain time and place to be appointed to answer the Complaint ; and if the Complaint shall be for debt, and above the sum of twenty Shillings or the value, the Sheriff shall also by the direction of the Magistrate, summon the other members to attend and constitute a Court to determine the Controversy and give judgment, which shall be executed by the Sheriff as they may direct.—And in case the complaint shall not be for more than twenty Shillings, any one Magistrate may summon the defendant as aforesaid and hear and determine the matter, and give Judgment accordingly—

6<sup>th</sup> Resolved that when Judgment shall be given against any person for money, the Sheriff shall by warrant from the Court take so much of the Goods and Chattels of the Delinquent as will be sufficient to satisfy the

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same, and after giving Eight days public notice shall sell such Goods at public auction to satisfy the Judgment.—

7<sup>th</sup> Resolved that John Jackson be appointed Sheriff who shall take an oath of office, and have power to call on persons to assist him in the execution of his duty in cases of necessity.

By order of the House

W. CLARK, Ch<sup>n</sup>

At a Convention held at Clarksville on monday the 12th of November 1787, Present Robert George John Jackson Buckner Pittman John Martin, William Thompson, John Reagh, William Thompson jr John Cleghorn and William Clark, being a majority of the Inhabitants of the Town aforesaid.—

1<sup>st</sup> Resolved, that whereas the Sixth Resolution of a Convention held in this Town the 27th of January 1785, directing the Goods of a Debtor to be sold at a Short period after Judgment obtained against them, is found to be oppressive, the same is hereby repealed and made void.

*3. Documents Relating to the Shays Rebellion, 1787.*

One of the most important events during the Shays Rebellion was the defense of the Continental arsenal at Springfield against the attack of the insurgents on January 25, 1787. The capture of the magazine with its stores of arms would have raised immensely both the actual strength of the insurgents and their reputation in the eyes of the community. Again, we see on this occasion state militia as the only defense of national property against a rebellion within a state. Says Jeremy Belknap, writing on February 2, 1787, to Ebenezer Hazard: "Is not their attack on the Arsenal a declaration of war against the United States? and ought not Congress to take them in hand, if this government should fail of their duty?"<sup>1</sup> Recent events in our national history give a new interest to the Shays Rebellion.

The protection of the Springfield arsenal was intrusted to Major-General William Shepard. In the first of the letters printed below he reports to Governor Bowdoin his successful defense of the magazine on January 25.

- Shepard was facing a body of insurgents much superior to his own force, and was anxiously awaiting the arrival of General Lincoln with troops from the eastern counties. On January 27 Lincoln reached Springfield, and proceeded at once to drive the insurgents from their positions. The second letter is his account of his operations.

<sup>1</sup>Belknap Papers, I. 456.

From many towns in the state there came in a stream of petitions against the use of force in quelling the insurrection. The two printed below, from the towns of 'Colrain' and Granby, are perhaps among the most interesting specimens. The last paper is General Lincoln's reply to the Granby petition. The general certainly outflanks his petitioners in a masterly fashion.

JOSEPH PARKER WARREN.

I. GENERAL SHEPARD TO GOVERNOR BOWDOIN.

(Massachusetts Archives, Vol. 190, pp. 317-318.)

SPRINGFIELD Jan<sup>y</sup> 26. 1787.

*Sir,*

The unhappy time is come in which we have been obliged to shed blood. Shays, who was at the head of about twelve hundred men, marched yesterday afternoon about four o'Clock, towards the public buildings in battle array. He marched his men in an open column by platoons. I sent several times by one of my aids, and two other gentlemen, Captains Buffington and Woodbridge, to him to know what he was after, or what he wanted. His reply was, he wanted barracks, and barracks he would have and stores. The answer returned was he must purchase them dear, if he had them. He still proceeded on his march until he approached within two hundred and fifty yards of the arsenal. He then made a halt. I immediately sent Major Lyman, one of my aids, and Capt Buffington to inform him not to march his troops any nearer the Arsenal on his peril, as I was stationed here by order of your Excellency and the Secretary at War, for the defence of the public property, in case he did I should surely fire on him and his men. A M<sup>r</sup> Wheeler, who appeared to be one of Shays' aids, met M<sup>r</sup> Lyman, after he had delivered my orders in the most peremptory manner, and made answer, that that was all he wanted. M<sup>r</sup> Lyman returned with his answer. Shays immediately put his troops in motion, and marched on rapidly near one hundred yards. I then ordered Major Stephens, who commanded the Artillery, to fire upon them. He accordingly did. The two first shott he endeavoured to overshoot them, in hopes they would have taken warning without firing among them, but it had no effect on them. Major Stevens then directed his shott thro' the center of his column. The fourth or fifth shot put their whole column into the utmost confusion. Shays made an attempt to display the column, but in vain. We had one howitz which was loaded with grape shot, which when fired, gave them great uneasiness. Had I been disposed to destroy them, I might have charged upon their rear and flanks with my Infantry and the two field pieces, and could have killed the greater part of his whole army within twenty five minutes. There was not a single musket fired on either side. I found three men dead on the spot, and one wounded, who is since dead. One of our Artillery men by inattention was badly wounded. Three muskets were taken up with

*Documents relating to the Shays Rebellion. 1787-1795*

the dead, which were all deeply loaded. I inclose to your Excellency a copy of a paper sent to me last evening. I have received no reinforcement yet, and expect to be attacked this day by their whole force combined.

I am, Sir, with great respect, Your Excellency's most  
obedient humble Serv<sup>t</sup>.

W. SHEPARD

Capt.

His Excell<sup>y</sup> JAMES BOWDWIN Esq<sup>r</sup>.

II. GENERAL LINCOLN TO GOVERNOR BOWDWIN.

(Massachusetts Archives, Vol. 190, pp. 319-320.)

Head Quarters Springfield January 28<sup>th</sup> 1787

Dear Sir—

We arrived here yesterday about noon with one regiment from Suffolk, one from Essex, one from Middlesex, and one from Worcester, with three companies of artillery, a corps of horse, and a volunteer corps under the command of Colonel Baldwin; the other company of artillery with the other regiment from Middlesex and another from Worcester which were as a cover to our stores arrived about eight o'clock in the evening. On my arrival I found, that Shays had taken post at a little village six miles north of this, with the whole force under his immediate command, and that Day had taken post in West Springfield, and that he had fixed a guard at the ferry house on the west side of the river, and that he had a guard at the bridge over Agawam river. By this disposition all communication from the north and west in the usual paths was cut off.

From a consideration of this insult on Government, that by an early move we should instantly convince the insurgents of its ability and determination speedily to disperse them; that we wanted the houses occupied by these men to cover our own troops; that General Patterson was on his march to join us, which to obstruct was an object with them; that a successful movement would give spirits to the troops; that it would be so was reduced to as great a certainty, as can be had in operations of this kind; from these considerations, Sir, with many others, I was induced to order the troops under arms at three o'clock in the afternoon, altho' the most of them had been so from one in the morning.

We moved about half after three, and crossed the river upon the ice, with the four regiments; four pieces of artillery; the light horse, and the troops of this division, under General Sheppard moved up the river on the ice, with an intention to fall in between Shay's who was on the east side of the river, and Day on the west, and to prevent a junction as well as to cut off Days retreat. We supposed that we should hereby encircle him with a force so superior that he would not dare to fire upon us which would effectually prevent bloodshed, as our troops were enjoined in the



most positive manner not to fire without orders. The moment we shewed ourselves upon the river the guard at the ferry house turned out and left the pass open to us. They made a little shew of force for a minute or two near the meeting house, and then retired in the utmost confusion and disorder. Our horse met them at the west end of the village, but the insurgents found means by crossing the fields and taking to the woods to escape them: some were taken who are aggravatedly guilty, but not the most so.

The next news we had of them, was by an express from Northampton, that part of them arrived in the south-end of their town about eleven o'clock. Shay's also in a very precipitate manner left his post a[t] Chickabee, and some time in the night passed thro' Southadley, on his way to Amherst.

As soon as our men are refreshed this morning, we shall move northward leaving General Sheppard here as a cover to the magazines; perhaps we may overtake Shays and his party, we shall do it, unless they disperse. If they disperse, I shall cover the troops in some convenient place, and carry on our operations in a very different way.

Since the State of our finances should be kept in view, and every unnecessary expence avoided, I have written to General Brooks, that he need not proceed; and to General Warner that he need not call more men into the field. If the men under Shays should disperse no men raised in this division will be retained in the field, saving a guard to the magazine at this place.

This letter will be honored by Colonel Jackson, whose great attention, abilities, and judgment, enable him to give your excellency a very perfect account of the state of affairs in these Counties, and of our late movements.

I have the honor to be with the most perfect esteem,  
your excellency's obedient servant  
BENJAMIN LINCOLN.

His excellency  
GOVERNOR BOWDOIN.

### III. PETITION FROM COLERAINE TO THE GOVERNOR AND COUNCIL.

(Massachusetts Archives, Vol. 190, pp. 321-322.)

The humble petition of the Inhabitants of Colrain now assembled to his Excellency and Council.

May it please your Excellency and your honorable Council

Your petitioners inhabitants of the town of Colrain in the County of Hampshire beg leave to represent to your Excellency and Council our sense of the present alarming situation of public affairs and of the Horrors which we Justly entertain of a general effusion of human blood, which from what has already happened is justly to be dreaded and of which if it further proceeds none knows either the extent or end. Your petitioners pretend not to Justify the practice of flying to arms to

obstruct the itting of courts of Justice or of interfering in matters of civil government in any other way than what is pointed out by the Constitution. But as great numbers for some cause or other have had recourse to arms, many of them persons of reputable Characters in society ; who have been by some means or other led into unfavourable sentiments of Civil Government as at present established, and as their views of personal danger (particularly that of their leaders who have taken their post by voluntary election) disposes them to continue in the same course and as these things are at present upon the point of involving our land in confusion bloodshed and devastation : Your petitioners from a realizing sense of the horrid Consequences of civil war most humbly beseech your Excellency and your honourable Council as the supreme executive of the state that a suspension of military force may immediately take place, and that with your Excellency's concurrence our desires may be presented to the Honorable Senate and House of Representatives at their next Session, that an act of indemnity for all past offences may take place. Whatever discrimination of of Characters might be justly observed among the body now at arms, your petitioners conceive it to be impracticable at present ; and as in battle the sword devoureth one as well as another devastation and ruin will probably fall upon the most innocent and valuable part of a community and the advantages to be gained will be we conceive in no wise answerable to the blood and treasure to be expended in the procuring of them, and we flatter ourselves that the body of the people now in arms upon the prospect of such an act will be willing to return to their allegiance ; Or that if such measures should prove ineffectual with some they will at least strengthen the hands of a constitutional government by detaching from the opposite party the most valuable part of their numbers so as to render any future quelling of insurrections a matter of less difficulty, and future attempts to obstruct the courts of justice will be considered more inexcusable both in the sight of God and the world ; and where any have been misled further opportunity will be given to undeceive as also detect the designs of such as would sacrifice their country's welfare to their own ambition. Deeply impressed with a sense of the duty which we owe to God and to our fellow creatures and with a feeling sense of the Calamities which threaten us, we beg leave to lay this our request before your excellency and Council to be referred to the general Court ; relying on your Wisdom patriotism and steady regard for the public Good as also on the wisdom and Integrity of the honourable legislative body of both houses we intreat that the prayer of this our petition may have a favourable hearing and be granted and Your petitioners as in duty bound shall ever pray.

Colrain Jan<sup>y</sup>. 29<sup>th</sup> 1787  
Signed p<sup>r</sup> Order  
of the Town

SAMUEL EDDY	}	Com <sup>rs</sup> of Colrain
GEORGE PATTISON		
ABR'M PENNELL		
OREN SMITH		
JONATHAN M <sup>c</sup> GEE		

## IV. PETITION FROM GRANBY TO GENERAL LINCOLN.

(Massachusetts Archives, Vol. 190, p. 344.)

To Major General Lincoln Commander of the Militia, now assembled in arms for the support of the Constitutional Government of the Commonwealth of Massachusetts.

*Sir.*

The alarming prospect which now presents itself to us, of our being daily or hourly involved in all the horrors of a civil war, we conceive to be a sufficient apology for applying to the Commander in Chief:—And altho' we have every sentiment of respect for your person, and the fullest and most entire confidence in your abilities as a man—and an experienced military Commander; yet, Sir, permit men, full of the most painful anxiety, on account of the present distressing complexion of the times, to lay before you their fervent desires. The inhabitants of the Town of Granby being sensibly affected with the situation we are now in, and the public in general, did on the 31<sup>st</sup> of this Inst. assemble and vote (being a very full meeting) that inasmuch as application has (according to good information) been made, and is daily making, from a number of Towns in this Commonwealth to the Commander of the militia in arms in favour of Government, that the said Commander will use every possible way and means in his power, as a man, and as an officer, consistent with the Dignity of Government, and his own honour, to prevent the awful destruction of mankind, and shedding the blood of our own Countrymen; and conquer by his Wisdom and not by his arms; and bring our deluded friends to a due sense of their error; and subject them to their duty without the further effusion of blood, if by any means practicable: Therefore voted, that we heartily concur with every such prayer, and every such application; and do join with those who pray and apply as aforesaid.

Test: C Cook, Moderator

GRANBY, Jan<sup>y</sup> 31. 1787

Copy

## V. GENERAL LINCOLN TO THE GRANBY PETITIONERS.

(Massachusetts Archives, Vol. 190, p. 346.)

Hadley Feb<sup>y</sup> 1, 1787

Gentlemen

I am this moment honoured with the receipt of your application of yesterday's date.

I have felt too sensibly for the distresses of those unhappy men, who have been deluded to rise in arms against their Country, in violation of every principle of duty, not to have most seriously contemplated how they might be reclaimed without bloodshed. hitherto our men have

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been restrained from firing: Shays has been notified of his danger, and of the consequences which must ensue should he fire upon the troops of Government; his men have been invited to return to their homes and lay down their arms I hope they will attend to the advice.

I think those Towns, that sincerely wish to put an end to this rebellion, might render essential services in effecting so desirable an object. They should, by their advice, recall their men now in arms: they should aid in apprehending all abettors of them, and all who are yielding them any comfort and supplies:—

this would reduce them to submission and prevent the horrors so much feared.—

I am,

Gentlemen

Your obt<sup>d</sup> Serv<sup>t</sup>

B LINCOLN

Copy

4. *West Florida and its Attempt on Mobile, 1810-1811.*

The following five letters have been kindly supplied by Thomas M. Owen, Esq., of the Post-Office Department, Washington, from his rich collection of manuscript materials for the history of Alabama. They have to do with the history of the short-lived "State of West Florida," which, it will be remembered, arose out of an insurrection in West Feliciana in July, 1810, directed against the Spanish government. Baton Rouge being captured, independence was declared on September 26; but President Madison, by proclamation of October 27, and by instructions to Governor Claiborne, annexed the district to the United States (*American State Papers*, III. 395-398). On December 7 Claiborne took possession for the United States of the district south of 31° as far east as the Pearl River. The district between the Pearl and the Perdido remained in the hands of Governor Folch, of Mobile. Before this transitory republic went out of existence it had set on foot a plan for acquiring this eastward region, by the aid of the American settlers on the Tombigbee River (Washington County, Mississippi Territory), above Mobile. These settlers had been much incensed by the tariff restrictions imposed upon their trade by the Spanish authorities at the mouth of the river. The first letter shows the existence, as early as June, of an organization intended to revolutionize Mobile, ostensibly in the interest of King Joseph; the second exhibits it in a new aspect. The remaining letters show how, before Claiborne's suppression of the infant republic, designs of Kemper, Kennedy and their fellows were frustrated by the coöperation of Judge

Toulmin, Col. Cushing, of the United States army, and Governor Folch.<sup>1</sup> (See Pickett's *Alabama*, II. 236-238.)

Of the foot-notes to the ensuing documents, those which are biographical have been kindly furnished by Mr. Owen.

I. J. P. KENNEDY<sup>2</sup> TO Z. ORSO.

McIntosh Bluff<sup>3</sup> 7th June 1810

Dear Sir

The Gentlemen who will deliver you this is a particular friend of mine. He is a member of the Mobile Society whose object he will explain to you. I sent some time since an agent of that Society to see you with letters and instructions. I know that you are an American at heart. Now is the important moment—I have at my command men and resources. As for the King of Spain he is out of the question. Do you wish to become a free subject of the Emperor of France or of his brother Joseph, you have only to say so and it is done. The bearer of this will explain every thing to you. If you are desirous of embarking in the cause of liberty and of your noble country, make your arrangements with my friend, or meet me at Sawmill creek, where I will explain every thing to you. Name the day when you will see me there say at the house of the Powells, and every thing can be explained and arranged.

Your friend

JOSEPH PULASKY KENNEDY

Mr. ZENON ORSO,  
Mobile.

II. J. P. KENNEDY TO D. PEREZ.

19th July 1810

To the Commandant of the Town of Mobile

Sir

I have been informed that you have in your possession letters of mine relative to an intended attack on the Town of Mobile. As a member of the Mobile Society I can with certainty inform you that the citizens of these counties never will make an attack on that country without the concurrence of the general Government. If the Government should agree to such a thing as an officer I shall hold it my duty to give you

<sup>1</sup> It may be added that a letter of Col. Sparks to Secretary Eustis, dated January 12, 1810 (*Calendar of the Correspondence of James Madison*, p. 635), would seem to indicate that Kennedy's plans were formed and known at that early date; but a comparison with items on pp. 290 and 328 of that calendar causes one to suspect that the date should be July 12.

<sup>2</sup> Joseph Pulaski Kennedy was an early settler in the Mississippi Territory, and an ardent American. He was captain commanding the Mississippi rifle volunteers for 12 months, at Mobile, December 30, 1812; brigade-major to Brig. Gen. Claiborne; and was distinguished at the battle of the "Holy Ground" (in Alabama), December 23, 1813.

<sup>3</sup> In Washington County, on the Alabama River.

timely notice. This Society has its origin in the oppression which we have suffered from the Spanish Government in detaining a country which the Supreme law of the State has declared to be ours. We respect the subjects of the King that was of Spain, and as to yourself I have no difficulty in saying that you have my good wishes for your happiness. But I am astonished at the imprisonment of Z. Orso and the two Mr. Powells, men who never could have had notice of the existence of the Mobile Society men in whom we would not confide. I have friends and relations in that country whom I consider as Spanish Subjects, and as such would treat them. Any man that would change America for Spain never shall be my confidant. But to ease you of your unfounded fears I give you notice by this that on Sunday next I shall set out for the States, and shall not return untill October.

I am Sir with respect

JOSEPH PULASKI KENNEDY,  
Majr. of 8th Regt. of Militia  
of Miss. Terry.

The Honbl. D. PEREZ Commandant of the Town  
of Mobile Louisiana.

III. H. TOULMIN<sup>1</sup> TO J. INNERARITY.<sup>2</sup>

FORT STODDERT<sup>3</sup> 15, Novr. 1810.

Dear Sir,

I recd. a letter this morning from a respectable friend, an officer at Baton Rouge.<sup>4</sup>

<sup>1</sup> Harry Toulmin was the son of Rev. Joshua Toulmin, and was born at Taunton, England, 1770. He became a Unitarian minister, after receiving a thorough education. He was exceedingly bold in his theological and political views, and found it expedient to leave his home. Coming to America in 1793, he began teaching at Norfolk, Va., from which place he went to the presidency of Transylvania University, Lexington, Ky. In 1802 he became secretary of the state of Kentucky. In 1804 he was appointed by Mr. Jefferson judge of the Superior Court for the District of Washington (now in Alabama), Mississippi Territory. This office he held until the creation of the state in 1819. In his high office he was the representative of the United States in this quarter and was preëminently the greatest man of the period in that part of the state of Alabama (then Mississippi Territory). He compiled the *Laws of Mississippi Territory* in 1807, and in 1823 compiled Alabama's first *Digest of the Laws*, etc. He died in 1824.

<sup>2</sup> James Innerarity was a native of Scotland, came to the United States in 1796, and was leading clerk in the celebrated trading establishment of Pantou, Leslie and Co., who had been engaged in a mammoth trade with the Southern Indians from the year 1783. This firm had houses at St. Johns, St. Augustine, St. Marks, Apalachicola, Chickasaw Bluffs and Mobile, with its principal establishments at Pensacola. In 1803 Innerarity became a partner. He resided in Mobile, took great interest in all public matters, and in 1817 was president of the commissioners of the town of Mobile. The members of this firm in all of the periods of its existence were Scotchmen. They were influential with the governments under which they lived, and exercised unmeasured control over the Indian tribes with which they dealt.

<sup>3</sup> In Mobile County, Alabama, on the river bank, four miles east of Mt. Vernon.

<sup>4</sup> This is probably the letter of John Ballinger to Judge Toulmin, dated Baton Rouge, November 3, 1810, which is summarized on p. 144 of the *Calendar of the Correspondence of James Madison*. The erroneous text mentioned are those of the new reprint.

He tells me that a general election of Senators and Representatives which was to take place under the new Constitution, would be held on the 10th of this month,—that their councils are much divided,—a part being for the prosecution of the War and a part for waiting the determination of the U. S. and that *nothing but preparations* could be calculated upon until the new legislature met. The great mass of the people want nothing more than to become American citizens—but if the U. S. will not accept them “they will (says he) accept of any other protection that they can obtain. *Succours are now offered* (adds he) by the French equal to our present wants, and many true Americans, who are well acquainted with the cautious policy of the U. S. have no confidence in their interference and are willing to accept. But the majority will not consent to any propositions till they hear from the U. S.”

O, that I had the tongue of an angel, never would I cease to vibrate in the ears of the Spanish officers, that by manly efforts on their part, they should struggle to awaken the U. S. from their lethargy.

Could the proposition for the transfer of Florida come from the Floridian authorities, and that from the highest source, surely the cautious policy of the American Govt. would hold out no longer—and the *knowledge of such an overture* would be such an appeal to the patriotism and Americanism of the new Baton Rouge assembly that they could not resist.

Kemper<sup>1</sup> talks in high style. He even indirectly has the assurance to threaten me with his future vengeance—should he *eventually* be injured by the warnings which I have in several letters given to the people of this country to be aware of being seduced from their allegiance to the laws of the Union.

He maintains his right to invite speculators below the line.<sup>2</sup> He is misled by foolish men among us.

Colo. Cushing with three companies, as we learn by this day's mail is to be at Orleans on the 20 of this month on his way to Fort Stoddert.

Yours very respy,

H. TOULMIN.

JAS. INNERARITY Esqr.

<sup>1</sup> Col. Reuben Kemper, a native of Fauquier Co., Va., an early settler near Pinkneyville, Miss. He was a man of marked individuality, undaunted courage, and great physical strength. He took no pains to conceal his aversion to the Spaniards, and in consequence suffered many indignities at their hands. He was the agent of the revolutionary government of West Florida to the Tombigbee settlements, and among others he had a commission for J. P. Kennedy. In his movements he had the countenance of Col. James Caller, who was in command of the Tombigbee militia. His plans were to capture Mobile. He was in the Louisiana volunteers under Gen. Jackson at the battle of New Orleans, with the rank of colonel. While on a business trip to Natchez, Miss., he died, January 28, 1827.

<sup>2</sup> *I. e.*, the line of 31°.



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IV. J. INNERARITY TO H. TOULMIN.<sup>1</sup>

Mobile 22 Novr. 1810

My Dear Sir

Your esteemed favors of the 20, came to hand last night. Every inhabitant of this province certainly owes you the greatest obligations for your endeavors to maintain peace. Gloomy as our prospects are I still hope your exertions will not prove altogether unsuccessful.

Governor Folch arrived here yesterday afternoon. I have had some interesting conversation with him today. He opened himself the subject of our present critical situation and informed me of some decisive steps that he had taken of which I was previously ignorant, but which you will have learnt from a letter written to you by my brother in his name, and which he now tells me to confirm to you in all points. He desires me moreover to add that provided no succours of any kind are given directly or indirectly by any of the inhabitants of your district to the agents of the Convention in their intended attack upon these parts of the province, he will abolish the duties paid at this port on American goods passing up and down the river and the said abolition shall take effect from the day on which he receives from you a notification that the expedition under Kemper and Kennedy is entirely laid aside and abandoned by all the inhabitants of your three counties.

If this grace does not wrest their arms from their hands nothing will remain for him to do but to oppose force with force and the duties will remain as formerly.

He has stated to me that mere motives of humanity have prompted him to this act as it is his desire to save the effusion of blood *between men who will probably soon become citizens of the same community.*

I hope this will arrive in time to prevent your neighbors from crossing the line in hostile array.

The bearer has orders to remain until you can return a decisive answer on this interesting subject. I entertain great hopes that you be able to send a favorable one.

You can communicate this to my friends Col McKee<sup>2</sup> and Captain Gains whom I have not time to write in answer their very much esteemed favors by Davy. Yours &c.

J. I.

<sup>1</sup>Toulmin's reply to this letter, dated November 23, is summarized, together with others of his letters, in the *Madison Calendar*, p. 681. On p. 370 of the same is a summary of another letter of Innerarity, of November 24; on p. 298, of a letter of Governor Folch to Captain Edward P. Gaines (the captor of Burr, afterward Major-General), dated November 25, promising the abolition of customs duties mentioned in this letter.

<sup>2</sup>John McKee was born in Rockbridge County, Virginia, of Scotch-Irish parents. About 1792 he is found in the employ of Governor Blount, of the territory south of the Ohio River, as an agent to the Cherokees. Later he was agent to both the Choctaws and the Chickasaws, and it was largely due to his influence that these tribes were with the whites in the Creek war, 1812-1814. About 1819 he located at Tuscaloosa, Ala., and was both an officer in the land office and postmaster at that place. From 1825 to 1826 he represented the middle Alabama district in Congress. He was one of the commissioners to negotiate the Dancing Rabbit treaty with the Choctaws. He died August 11, 1832, in Greene County, Ala. All of his papers and MSS., 1792-1830, consisting of 1205 separate items, are the property of Thomas M. Owen, of Washington, D. C.

It will I think be proper to conceal the underruled lines until the full development of the plan in agitation.

The Honble. HARRY TOULMIN.

V. J. INNERARITY TO J. MCKEE.

Mobile 21st Jany, 1811

My Dear Sir

I wrote you about the middle of last month, informing you of the receipt at this place of the Presidents proclamation for taking possession of the Floridas. As Governor Folch in reply to Colonel Sparks communication on the subject, had intimated that he would not surrender this place without first consulting the Capt Genl. of Havanna, the Colonel thought it his duty to call out the militia, and he actually had them assembled and was on the very point of marching down with them, when Colonel Cushing arriving at the critical time, sent up contrary orders, and thus saved us once more from the firebrands of the Tombigbee.

Colonel Cushings prudent and conciliatory conduct has also in a great measure dissipated those hostile feelings that had been excited here by the previous proceedings, and he and our commandant begin to approximate each other. The Gunboats remain at anchor opposite the town, the troops are cantoned at our plantation, and Colonel Cushing with his family lives in the Dictionary Doctors house. Judge Toulmin was here a few days ago—he has been most abominably ill used by those three worthy gentlemen Kemper Caller<sup>1</sup> and Kennedy, because forsooth, he had set his face against their innocent plans, and had been the occasion of Coll Cushings ordering the militia to be dismissed and thus “slighting their patriotism, and snatching from their hands the prize which they were ready to grasp.” For these horrible crimes, they have abused denounced, impeached, and burnt the poor Judge in effigy, as I have not a doubt they would have done this place in reality had their projects succeeded.

The Judge shewed me the bill introduced by Giles into the Senate on the 18th ulto. from the committee on Floridian affairs,<sup>2</sup> which he does not at all approve of, that is, the first section of it, which annexes this country to the Orleans Territory. Such however is the horror and dread with which the people of this place regard our neighbours the Bigbians that I believe they would generally be pleased with the measure. I myself candidly confess that as a temporary regulation I should prefer it to an immediate connection with Tombigbee, but not so, if it is meant to be permanent. We of this place, have no natural connection with New Orleans, our interests are not common at present, and they will be in oppo-

<sup>1</sup> James Caller emigrated from Warren County, N. C., to south Alabama, then the Mississippi Territory, about 1800; early became prominent; was in the territorial legislature; commanded the whites in the Burnt Corn engagement of the Creek war; and died December 3, 1819.

<sup>2</sup> As to Senator Giles's bill, see Henry Adams, *History of the United States*, V. 319-323.

sition to each other, soon. If we are politically annexed to her, she will feel us as a tumor wasting her body and whose progress she will endeavor to retard. As we must be commercial rivals, she can never feel an interest in our prosperity, therefore it is unjust to subject us to her legislation. Our position with regard to that part of the Mississippi Territory bordering on the river and Pascagola, is exactly the reverse of what it is with regard to New Orleans. We are joined to the former country by the hand of nature, and our interests are one, as those of the heart and limbs, supplying blood and life and motion to each other. There are other parts of Mr. Giles' bill which will occasion animadversion if it passes in its present shape. For instance, when claims to lands under Spanish grants posterior to 1803 shall be laid before the Commissioners, it will be a difficult thing for them to decide on them "according to the laws on the subject actually in force for the Orleans territory" and at the same time "according to equity and justice." The latter would confirm all Spanish grants up to the date of taking possession, or at least to the date of the receipt of the Proclamation, (which was the first official notice given to these inhabitants that they were American citizens,) but the former, that is the law as it now stands, will confirm only the titles granted previous to the 20th Decr. 1803. I have not a doubt however, but this will be corrected, altho' some of our thoroughpaced demos are of a different opinion.

I see Mr. Poydras is endeavoring to get the Orleans territory erected into a State. His imperial and Royal majesty will smile if he succeeds.

I hear there is a great scramble for the loaves and fishes that this poor sand-bank and quagmire may eventually produce. Some of the pretensions are singular, and evidence at least the high opinion that the parties entertain of themselves. What do you think of the learned, intelligent, upright and brave Lieutenant Colonel of the Conventional Volunteers, Joseph Pulaski Kennedy for—a Judge!!! and your friend Mr. Wilson Carman for a Collector!

From this long political letter you will also think I stand pretty high in my own opinion, a point which I shall not dispute with you, but only request you to believe me ever

Your friend

JAS. INNERARITY.

You may make any prudent use of this that you may judge proper.

J. I.

COLONEL JOHN MCKEE

City of Washington.<sup>1</sup>

<sup>1</sup> The address shows that the letter went to Washington City, as directed. It was then forwarded to Fort Hawkins, Creek Agency, arriving there April 3, 1811. It was then forwarded, the second time, to Fort Stoddert, Mississippi Territory, now south Alabama, reaching Col. McKee there on April 17, 1811. From this it appears that the addressee had returned to his post before the letter reached Washington.

## REVIEWS OF BOOKS

*The Mycenæan Age: a Study of the Monuments and Culture of Pre-Homeric Greece.* By Dr. CHRESTOS TSOUNTAS, Ephor of Antiquities and Director of Excavations at Mycenæ, and J. IRVING MANATT, Ph.D., LL.D., Professor of Greek Literature and History in Brown University. (Boston and New York: Houghton, Mifflin and Co. 1897. Pp. xix, 417.)

PROFESSOR MANATT tells us in his preface that his first intention in regard to this book was to produce an English version of Dr. Tsountas's *Μυκῆναι καὶ Μυκηναῖος πολιτισμός*, published at Athens in 1893. This intention, however, was abandoned, and in the work now before us, although "the bulk of the material" has been furnished by Dr. Tsountas (partly in the form of manuscript additions to his printed text), the American editor has done so much in the way of re-arrangement, revision and addition as to feel warranted in saying: "there are few pages in it to which I have not made some material contribution." Inasmuch as the new matter from the hand of Dr. Tsountas is not in every case identifiable, the reviewer cannot gauge the exact extent of the American editor's responsibility. But, except for a chapter on "The Mycenæan World and Homer," the word "editor" is clearly more appropriate than "joint author" to describe him. I feel bound therefore to express my conviction that the title-page is somewhat misleading in its suggestion of equality in authorship. But I would not press this point, especially as Dr. Tsountas himself, for all I know, may have sanctioned the form adopted. And it is a pleasure to say that the work of translation and adaptation has been extremely well done. The Greek word for "perhaps" (*ἴσως*) is commonly, and I believe regularly, rendered by "probably," except in one case (p. 323, note 2), where it appears as "no doubt." Otherwise a moderately close scrutiny has enabled me to detect only six or eight misinterpretations: "burnt brick" for "tiles" on p. 43, "have been found elsewhere" for "were found years ago" on p. 119, "e. g." for "viz." on p. 157, and a few more about equally trivial. In this connection I may mention as an infelicity the use of "we" in speaking of matters in which Dr. Tsountas alone was concerned, as on p. 152: "in the tomb at Vaphio we found the teeth of several dogs," and similarly often. Rarely does the reviewer of a translated book glean so meagre a sheaf of *corrigenda*. Professor Manatt's English is real English, not translator's English. When it is added that in place of the eleven plates and the few small cuts offered by Dr. Tsountas the American volume is enriched with twenty-two full-page plates and

a hundred and sixty-nine illustrations in the text, enough will have been said on the relation which the work before us bears to its Greek original.

There are now three valuable books which deal in a comprehensive way with the facts and problems of Mycenæan research. One is Schuchhardt's *Schliemann's Ausgrabungen*, of which a good English translation has been made by Miss Eugénie Sellers. The second is the sixth volume of Perrot and Chipiez's great *Histoire de l'Art dans l'Antiquité*, the volume which deals with *La Grèce primitive*; of this only a grotesque travesty exists in English. The third is the book now under review. As the titles imply, the three works are not exactly conterminous. Schuchhardt centers his account in the life of the famous explorer, to whom, with all his shortcomings, belongs the credit of being the first to reveal to us the Mycenæan civilization. Thus Schuchhardt gives a critical résumé of Schliemann's big and gossipy tomes, with some supplementary matter, the whole arranged topographically. Perrot and Chipiez, in their sumptuous volume of over a thousand pages, are concerned primarily with art, though incidentally they treat of numerous collateral subjects. Drs. Tsountas and Manatt deal systematically, though of course not exhaustively, with all the aspects of Mycenæan culture which are known or can be guessed at. Thus their book is likely to prove the most convenient of the three for the historical student seeking to acquaint himself with the general results already won in this field. The fact that the principal author, a sagacious and modest explorer, is reporting discoveries in which he has himself borne a most important part is a source of added interest. Moreover, this book has the advantage over the other two of being by several years later in date and so of being able to incorporate more recent results of Mycenæan research. Thus Dr. Tsountas has furnished a summary of Mr. A. J. Evans's brilliant essay on *Cretan Pictographs and præ-Phœnician Script*, and has endeavored to minimize the importance, so far as continental Greece is concerned, of the modes of writing there discussed; an appendix gives, after Messrs. Noack and de Ridder, a condensed account of the fortress and palace of Gha in Lake Copais; and, in short, everything important and relevant down to the summer of 1896 inclusive is duly registered.

The student, then, who desires a compact and sober record of the evidence available for the study of Mycenæan antiquity will find a safe guide in this volume. As to the accompanying interpretation of the evidence it is not possible, in the nature of the case, to speak so positively. In regard to a few points of architectural archæology Professor Dörpfeld's short Introduction supplies a valuable criticism on the views of Dr. Tsountas. But it may be that the non-specialist will not get an adequate notion of the uncertainty still besetting the more important historical problems of the subject. The date of the Mycenæan civilization does indeed seem established upon secure foundations, Mr. Cecil Torr to the contrary notwithstanding. But as much cannot be said for the details of that civilization. Were such objects as the dagger-blades of Mycenæ and the gold cups of Vaphio manufactured in Mycenæan workshops or

imported from abroad, say from Phœnicia? In the latter case their supposed evidence as to Mycenæan manners and customs is annihilated. Dr. Tsountas is in accord with most investigators of to-day in holding to the former view, but the authority of Helbig has recently been thrown into the other scale. *Sub judice lis est*. Again, were the people who built the walls and palaces of Tiryns and Mycenæ and the beehive tombs of Argolis, Attica, Bœotia and so on, of Hellenic or alien stock? Here too the tendency has latterly been strong in favor of the former alternative, but until a more convincing proof can be made out than is presented in the chapter on the "The Problem of the Mycenæan Race," laymen will do well to hold their minds in suspense on this question.

It is hardly necessary to say that the appearance of the book is excellent. The typographical errors that I have noted are limited to numbers and to foreign words. The date 1723 assigned to Wheeler's *Journey into Greece*, instead of 1682, can hardly be fathered on the printer. Mention should be made of the successful reproductions of the reliefs on the Vaphio cups which adorn the cover.

F. B. TARBELL.

*A History of the Hebrew People from the Division of the Kingdom to the Fall of Jerusalem in 586 B. C.* By CHARLES FOSTER KENT, Ph.D., Associate Professor of Biblical Literature and History, Brown University. (New York: Charles Scribner's Sons. 1897. Pp. xvii, 218.)

THIS work, the first volume of which, covering the period from the settlement in Canaan to the death of Solomon, appeared in 1896, is an outline of the history of Israel from the modern critical point of view, adapted to the needs of college students, university extension classes, Sunday-school teachers, and the like. The author has aimed at nothing more than a brief and popular presentation of the results in which recent historians are substantially agreed, and this task he has accomplished with no small measure of success.

The volume before us is well arranged, in good proportion, clearly written and interesting throughout. In the main it may be commended as a sufficiently accurate account of the present state of knowledge and opinion. Its defects are chiefly such as arise from haste and too implicit reliance upon the work of others. Some vexatious errors would have been avoided had the author consulted the sources for himself. Thus, on p. 52 we read: "Meander [*sic*] of Ephesus also refers to a drought during the reign of Ethobalos (Phœnician, Ethbaal), King of Tyre," etc. *Meander* is doubtless an oversight in proof-reading, of which there are many other instances (Phraotes, Ashtarte, Jehoiakin, Nabuzaradan, Recabites, Ebed-meleck); the king's name is Ἰθάβαλος; *Ethbaal* is not Phœnician, but the pronunciation of the Hebrew Bible, based on an erroneous etymology. On p. 145, in the translation of an Assyrian inscription, the name is written *Ethobal*—a purely fictitious form—instead

of *Tuba'lu*. On p. 48 Ethbaal is described as "the ex-priest of Baal." According to Menander he was a priest, not of Baal, but of Astarte; and as the inscription of Tabnit shows, there is no reason to imagine that in becoming king he ceased to be priest.

In things Assyrian Professor Kent occasionally adheres to opinions which the rapid progress of learning in this new field has set aside; for example the identification of Sepharvaim with Sippar (p. 106 f.), or of Samsimuruna in an inscription of Sennacherib with Samaria (p. 145). The defeat of Azariah of Judah by Tiglath-pileser in 739 or 738 (pp. 99, 126), though still maintained by McCurdy, ought not to be set down as an established fact.

Nor is the author always sufficiently cautious in matters of Israelitish history. Such a statement as that the principles underlying the Hebrew commonwealth were essentially democratic (p. 86), and that the king was chosen by the people to be their servant (p. 87), cannot fail to give the modern reader a wholly erroneous idea. The consequences of Solomon's rule (p. 20), and the division of the kingdom (p. 24), are, to say the least, strongly exaggerated. That the sacrifice of the son of the King of Moab (2 Kings iii. 27) only "aroused the superstitious fears of the allies, and proved the signal for their retreat" (p. 43), is a strange misinterpretation of the reticence of the Hebrew historian. In the description of the religion of Israel there are numerous inaccurate or highly questionable statements, such as, that the *cinædi* in the temple in Jerusalem were consecrated to the licentious rites of Baal and Astarte (p. 177); that the priests of the high-places were appointed by the kings of Judah (p. 178); that the introduction of foreign cults in the seventh century was due to deep-seated distrust of Jehovah (p. 161, cf. 162), etc. The "black-robed" priests of Baal (p. 174) are a figment of medieval rabbinical etymology. On p. 79 we are told that tradition ascribes Isaiah xiv., xv. to Jonah ben Amittai; this "tradition" originated with Hitzig, in 1831.

In the list of authorities in the appendix there are some conspicuous omissions, the most remarkable being the name of Wellhausen; Graf's *Jeremiah* is not mentioned, while Cornill is said to have written one of the leading commentaries on the book. In a second edition it is to be hoped that these and similar blemishes may be removed, and that at the same time the style may be submitted to a severe revision. Of the need of such a revision one illustration must suffice. Speaking of the pool and conduit of Hezekiah (2 Kings xx. 20), the author writes thus (p. 141): "This work may be identified with the rock-cut tunnel, discovered in 1880, which conducts the water which flows from the present Virgin's Fount, south of the Temple hill, to the pool of Siloam, which was within the ancient city walls, and within which was found the ancient Hebrew inscription describing the process of construction."

GEORGE F. MOORE.



*Bibliotheca Historica Medii Aevi.* Wegweiser durch die Geschichtswerke des europäischen Mittelalters bis 1500. Von AUGUST POTTHAST. Zweite verbesserte und vermehrte Auflage. (Berlin: Weber. 1896. Two vols., pp. cxlvii, 1749.)

SCHOLARS who have been brought up on Potthast find difficulty in understanding how the older men did such excellent work without the guidance he affords. The old edition, in spite of its age, has been the most useful tool which we possessed. When, about two years ago, it became known that Potthast had revised his work and would soon publish a new edition, there was general rejoicing.

In this second edition, except for minor changes, the order and scope of the work remain the same as in the first, *i. e.*, alphabetical lists of general and special collections, of the separate editions of all narrative sources for the period from 375 to 1500, and of the lives, etc., of the saints. Under each source we find the familiar indications of manuscripts, editions, translations and *Erläuterungsschriften*. The appendix gives the lists of sources for the various countries and periods in thirty-two main divisions. In this appendix Potthast has wisely omitted the lists of popes, emperors and bishops which were in the supplementary volume to the old edition. These lists are so easily accessible in other publications that it would have been a work of supererogation to include them here. Although by these omissions and in many other ways space has been economized, the new edition is more than twice as voluminous as the old.

To turn to details, the compiler has included some documentary sources, which can not be classed under any of his headings. As the choice has been purely arbitrary and only a very few are given, it would have been wiser to omit all. No scholar uses this work for guidance to such material. The lists of manuscripts which follow some of the sources have a certain utility, but they are far from complete and do not form a necessary part of the work. The student who needed this information could generally get it more exactly from the different editions and from the *Erläuterungsschriften*. The other details are given in a most satisfactory manner. Although there are omissions, the work as a whole is surprisingly accurate and trustworthy, if we consider the thousands of facts stated. The dates for the authors and for their separate works, the editions and translations, and the *Erläuterungsschriften* are recorded with the most painstaking care. When one remembers that the last are scattered in general histories, periodicals, university dissertations, school programmes, occasional pamphlets, etc., written in different languages, one marvels at the industry of the collector and appreciates the value of the work in this respect. By these lists Potthast furnishes good bibliographies for many subjects—a feature of the work too often ignored by students. The only drawbacks are that these bibliographies are necessarily unannotated, and for the sake of completeness works of no critical value are included.

Mistakes are inevitable in such a work. Yet in indicating them, one feels almost an ingrate. When so much has been done by a single man for the scholars of the whole world, one hesitates to point out faults in details. But the most sincere tribute to the value of the work is to add one's mite towards its perfection. Fortunately two excellent reviews have appeared, which make the task of other reviewers lighter. One of these was by the late Professor Winkelmann in the *Historische Zeitschrift*, Vol. 76; the other, by Vidier in *Le Moyen Age* for April, 1896. Although these are reviews of only the first half of the first volume, some faults which extend through the work are noted and many errors are corrected. It seems strange that, although these appeared some months before the final half-volume was published, Potthast did not enter their corrections in his "Berichtigungen und Nachträge." This is indicative of one of the weaknesses of this compilation. It is the work of one man who has not cared to get the coöperation of other scholars, especially of those in foreign countries. M. Vidier's review, although animated by indefensible harshness, shows how necessary such coöperation was.

In contributing the sheaf which I have gleaned, I omit all errors which I have seen noted in any previous review. Besides these two reviews mentioned above, many others have appeared, contributing in greater or less degree to the perfection of the work.

Of sources, all the works included in Vol. V., Part II., of the *Recueil des Historiens des Croisades* are omitted, although this volume appeared more than a year before the *Bibliotheca* was completed. There is no space to give these with their editions and *Erläuterungsschriften*, but it is well to note that in this volume we have for the first time good editions of Fulco, Gilo and Benedictus de Accoltis. Other omissions are the work of Oliverius von Paderborn in Vol. 202 of the *Bibliothek des literarischen Vereins*, Tübingen, 1894, and the *Predigten des H. Bernhards* in Vol. 203 of the same collection, 1894. The edition of Bernardus monachus Francus in Michel et Wryght, *Relations des Voyages*, is omitted. Some of the entries under "Charta" do not belong in such a work, but if included at all, the entries should be fuller and more exact. Where others of minor importance and of similar character are noted, the omission of Magna Charta is peculiar.

In the *Erläuterungsschriften* Potthast quotes certain general works, such as the *Histoire Littéraire*, Ebert's *Allgemeine Geschichte der Literatur*, Hardy's *Descriptive Catalogue*, etc., for some sources, but not for all which are especially discussed in these works. The choice seems to have been wholly arbitrary. Balzani's *Early Chroniclers of Europe: Italy*, is quoted sometimes, but more frequently in the Italian version. The works by Masson and Gairdner in the same series seem to have been neglected. Among special works omitted are, for:

Bernardus Claraevallensis, Kugler, *Neue Analecten zur Geschichte des zweiten Kreuzzugs*.

Carmen Ambrosii, Monod and Paris in *Revue des Sociétés savantes des Départements*, Ser. V., Vol. VI., and *Revue Historique*, Vol. III.

Chevalier au Cygne and Conquête de Jérusalem, Pigeonneau, *Le Cycle de la Croisade*.

Cinnamus, Kugler, *Neue Analecten*, as above.

Chronica regia Coloniensis, Fischer, *Kreuzzug Friedrich's I.*

Chronique de Godefroid de Bouillon, Kugler in *Historisches Taschenbuch*, Sechste Folge, VI.; Froboese, *Gottfried von Bouillon*, Berlin, 1879; and compare Potthast, p. 533.

Gesta Ludovici, Kugler, *Analecten zur Geschichte des zweiten Kreuzzugs*.

Guilelmus Tyrius, Dodu, *Histoire des Institutions monarchiques dans le Royaume latin de Jérusalem*, 1894, pp. 2-12.

Guillaume de Machaut, P. Paris, *Le Livre du Voirdit de G. de Machaut*, Paris, 1875; G. Paris in *Revue Historique*, Vol. IV., p. 215.

Jacobus de Vitriaco, Crane, *Exempla of Jacques de Vitry*.

Joinville, Müller, *Chips from a German Workshop*, Vol. III.

Ricardus canonicus, Fischer, *Kreuzzug Friedrich's I.*

Stephanus de Borbone, Lecoy de la Marche, *La Chaire française*.

Villehardouin, Pears, *Fall of Constantinople*.

For several of the saints, La Borderie's different works have been neglected. In the translations there are very curious omissions. Potthast gives three German translations of St. Augustine's *Confessions*, but none into any other language, and he names only one commentary. He may have been terrified by the amount of space necessary to make the entries even relatively complete. He does not seem to have known of the various series of the Fathers in English and French translations. We find no translations mentioned under St. Jerome, Sozomen, Theodoret and many others. Eales's translation of the letters of Bernard of Clairvaux is not entered under the *Epistolæ*, and under the saint's name, in Part III., is given as a translation of his entire works. The *Treuga Dei*, entered on page 1071, which does not belong in this work, has been translated in Henderson's *Select Documents*. These are only examples of many translations which have been omitted. Of course, translations are of little value to a scholar and, unless he is engaged in teaching immature students, he may well be pardoned if he is entirely ignorant of their existence. For minor errors, unimportant but troublesome, such as wrong references, misprints, etc., there is no space in this review.

Yet when we have gathered together all the mistakes already noted by reviewers and several hundred more, which may be found, the total result compared with the accurate statements of Potthast will be an extremely small number. His work is, and will remain, the most valuable guide to the period. And here a criticism is permissible on the form of the book. Such a volume must necessarily be revised constantly by each student for the sake of his own work. Additions will be numerous. But the volumes have been published with very small margins and are unfitted for such additions. A generation intervened between the publication of the two editions. Can we hope to have a revision of such a work even as soon in the future? In the meantime the volumes, already large, must be increased in bulk by interleaving in order to be serviceable.

DANA CARLETON MUNRO.

*The Red Book of the Exchequer.* Edited by HUBERT HALL, F. S. A., of the Public Record Office. [Rolls Series.] (London: H. M. Stationery Office. 1896. Three vols., pp. ccclxxxix, 1366.)

THE number of "Chronicles and Memorials" announced for future publication at the end of the list of the Rolls Series has now dwindled down to the Year Books and Glanvill's *Tractatus*, and it is quite certain that the latter work will not be published. With the exception of an occasional Year Book, only calendars, lists, and indexes of records will henceforth appear in this series. While we fully appreciate the value of the calendars which have recently been published, we cannot help feeling some regret that the policy of the Master of the Rolls now excludes the printing of the records themselves. The Red Book might well form the first of a series of new publications, which should include such records as the Book of Aids and Kirkby's Quest, and a good edition of the Testa de Nevill.

Mr. Hall's edition of the Red Book will be heartily welcomed by students of English history. It is difficult within a limited space to indicate the scope, variety and value of its contents. There were many Red Books in the Middle Ages; to those enumerated by Mr. Hall we may add the two Red Books of Bristol, the two Red Books of Sandwich, the Red Book of the Earls of Ormond, and the Red Book of the Earls of Kildare. The earlier portion of the Red Book of the Exchequer was compiled about the year 1230 by Alexander of Swereford, and this part of the work seems to have been transcribed from an older exchequer register. Many additions were made from time to time, some of them as late as the sixteenth century. The Red Book contains charters, inquiries, statutes, ordinances, deeds, correspondence, genealogies, surveys, fiscal accounts and exchequer precedents. From one point of view it is a Feodary: it determines the liability of tenants as regards military service, scutage, or other assessments based on the knight's fee. Viewed from another aspect, it is a Cartulary, a register of surrenders of land to the crown, exchanges and quit-claims. It is also an Entry Book of choice state papers, diplomatic documents, statutes and other public acts of great historical value, most of which deal with questions of fiscal interest. Finally, it is a Precedent Book, containing oaths used at the exchequer, forms of writs, and a great variety of other information that might be useful in determining the privileges and liabilities of the officers of the exchequer. The material contained in the Red Book is so extensive that Mr. Hall has been able to print only the most important documents, together with a full table of contents of the manuscript volume.

The Red Book is of greatest historical importance as a feodary. More than two-thirds of the material printed in Mr. Hall's edition consists of records relating to feudal tenures, most of them belonging to the reigns of Henry II., Richard I. and John. This part of the work contains the celebrated "Cartæ," or certificates of knights' fees returned

by the barons in 1166, which Mr. Round has so skillfully turned to account; lists of persons subject to the payment of scutage (A. D. 1156-1252); inquisitions concerning knights' fees and honors, and a list of serjeanties, in the reign of John; lists of knights' fees under the first four Angevin kings; abstracts of Pipe Rolls (A. D. 1154-62); and lists of castle-ward services and rents in the reigns of Henry III. and Edward I. The study of these valuable records, most of which are now printed for the first time, ought to add much to our knowledge of the history of feudal tenures in England.

Volume III. contains many abstracts from the Red Book illustrating its value as a cartulary, an entry book or register of state papers, and a precedent book of the exchequer. Here we find the "Constitution of the Royal Household" (circa 1135); privileges and exemptions claimed by officers of the exchequer; a treatise of the fourteenth century on the mint and exchange; a glossary of Anglo-Saxon law terms, intended to elucidate the archaisms occurring in Anglo-Norman charters; statutes and ordinances regulating the internal economy of the exchequer and its relations to the king and to his subjects. These various documents throw much light on the machinery of English fiscal administration in the thirteenth and fourteenth centuries.

The most important records in Volume III. are the ordinances framed by Edward II. and his council in 1323-26. They introduce reforms which aim to improve the discipline of the exchequer officers, to increase the royal revenue, and to remove certain abuses which had aroused the discontent of the people. There are three separate ordinances of the years 1323, 1324, and 1326. The first is concerned with the internal administration of the exchequer; its business is defined; the hearing of pleas is regulated; the compilation of the Pipe Rolls is simplified and improved; the duties of the two remembrancers are carefully prescribed; and measures are taken to prevent flagrant abuses of accountants and to increase the staff of officers. This marks the first considerable enlargement of the exchequer since the time of Henry II. The main object of the ordinance of 1324 was "to ensure the due collection and audit of the royal revenue, as well as to put an end to the more glaring evils of purveyance," and to allay the popular discontent which the officers of the royal household had excited by resorting to exactions like prisage and preëmption. The ordinance of 1326 shows that the two previous reform measures had not accomplished their object; that the financial administration of the kingdom was still in a very unsatisfactory condition; that the sheriffs and other officers who had to render accounts at the exchequer were guilty of irregularities, dishonest practices and oppression, in connection with the collection of the royal revenue; and that the barons of the exchequer were often guilty of corruption. When the history of this reign is rewritten, these elaborate ordinances of 1323-26 will help to explain the movement which ended in the deposition of Edward II.

Many other interesting matters are discussed by Mr. Hall in his long

and learned preface. He gives us much information concerning feudal tenures and the history of the exchequer. To consider all the questions which he examines would require many pages. We can call attention to one topic only—his discussion of scutage. He deals in detail with the history of the various scutages of Henry II.'s reign, but we are particularly interested in his explanation of the nature of scutage. Briefly stated, his views on this subject are as follows: Before Henry II.'s time scutage was a fixed sum levied as a tax upon all the military tenants of a barony, and especially upon church tenants; it is not yet an assessment on the knight's fee. Early in the reign of Henry II. scutage in its later and proper sense is introduced. It is not, however, as most writers assert, a commutation of the personal service of tenants-in-chief, but a tax levied by the lord on his tenants (sub-tenants of the crown) by virtue of the royal writ *de scutagio habendo*. The tenant-in-chief must perform his military service, "the value of which far exceeded in all times the average value of scutage." If he does not perform his service, he must pay a heavy fine to the crown. If he renders personal service or if he pays a fine, he may or may not obtain permission from the king to recoup himself by the levy of a scutage on his tenants. Mr. Hall then adds that "the crown eventually received this scutage money either at the hands of the lords or by those of the sheriff" (page clix). It is difficult to reconcile this assertion with statements that precede and follow it; for example, on pages clx. and cxii. Mr. Hall says that the scutage would go to the lord unless it were assigned to the crown by the lord. This part of the preface was doubtless printed before the publication of Pollock and Maitland's *History of English Law*. Both works agree in rejecting the old view, that scutage was a commutation of the personal service of the tenant-in-chief, and in maintaining that scutage was often collected by the crown from the under-tenants even when the lord had performed his service. Both works fail, however, to make clear the relations of these under-tenants to their lords and to the crown as regards the payment of scutage. It is evident that the last word on this subject has not yet been said.

We fear that we have not done justice to Mr. Hall in this meagre outline of the contents of his work. Historical students must feel under great obligations to him for the task that he has so well achieved. The careful editing of such a collection of records requires an enormous amount of painstaking labor, which few persons are equipped to perform or have the courage to undertake.

CHARLES GROSS.

*The National Movement in the Reign of Henry III., and its Culmination in the Barons' War.* By OLIVER H. RICHARDSON, Professor of History in Drury College. (New York: The Macmillan Company. 1897. Pp. qiv, 235.)

THE political history of the reign of Henry III. has been often told; and the vicissitudes of the struggle for the charters have been described

at length by Bishop Stubbs with painstaking regard to constitutional details. Still, in tracing the causes of the "national movement" to its culmination in the Provisions of Oxford and the Barons' War, clearing the way for the great statutes and the settlement of the representative system under Edward I., Professor Richardson has rendered a distinct service. The selection of the right point of view for understanding the forces which drove the people to action has given him a decided advantage, even in the handling of often-used materials; for the crisis came when it was perceived that there was imminent danger of the "denationalization of England" through the policy of the pope and that of his facile instrument, the devout and fatuous king. The author's object is to "portray, first, those movements which tended to denationalize the church and state of England by perversion of the English constitution and by the introduction of the political doctrines of thirteenth-century France and the Empire-Church; and second, those counter-movements which resulted in the complete triumph of the national principle as manifested in the dim beginnings of the revolt from Rome, in the completion of race unity, and the establishment of the constitution upon a basis both national and popular." Throughout, the investigation rests mainly on the chronicles and other contemporary writings; and the author has not failed to realize his hope to "catch the spirit of the time from the pages of the historians who lived among the events which they so vividly describe."

The work comprises three chapters. The first chapter, in two parts, deals with the "Primary Forces." In the first part is shown how the elements of Anglo-Saxon nationality, political and ecclesiastical, were preserved under William I. and his successors. The worst features of continental feudalism were prevented at the "Gemot of Salisbury Plain." Speaking broadly, from the Conquest "to the loss of Normandy under John, good order was maintained by the union of crown and English people against the baronage, but at the expense of liberty: from the loss of Normandy to the reign of Edward I. liberty could be secured only by the union of barons and people against the crown, but at the expense of good order." So also the Anglo-Saxon church, though the child of Rome, was peculiarly national in character. The "identity of interests established at that time between the masses of the clergy and the people" was not permanently shaken by the Norman Conquest, notwithstanding the disastrous consequences of the separation of the ecclesiastical from the lay jurisdiction. This result was mainly due to the "admirable position of William I. and Lanfranc toward one another" and to the fact that the "bulk of the lower clergy remained Saxon and retained the Saxon speech." The second part of the chapter gives an estimate of the influence of the friars, a small body of whom made their advent in England on the 11th of September, 1224, and in a little more than thirty years had increased in number one hundred and forty fold. This is one of the most interesting and original contributions which the book contains. The friars were active propagandists, whose influence was mainly felt



in the great towns which had been avoided by the old monastic orders. They stood for education and for moral, religious and social reform, basing "their appeals or instruction upon experience rather than on theory." Just "as the doctrine of Wycliffe undoubtedly fostered at a later date the social tendencies inherent in the masses, so at this early period the thoroughly Christian democracy of the mendicant friars fostered the growth of the city commune, which—in London especially—played such an important part in the Barons' War." But a surer proof of their political leanings is seen in the "mutual relations of the three great men to whom, more than to any others, the foundation of a national-ecclesiastical party was due,—Adam Marsh, a Minorite and the soul of the University of Oxford in his day ; Robert Grosseteste, the great bishop of Lincoln ; and Simon de Montfort." From their preserved correspondence the influence of the wholesome political ideas of the friars upon Earl Simon is here clearly established.

"The forces which roused England to armed resistance" is the subject of the second chapter. This is arranged in eight parts, each dealing with a distinct force, and in bulk constitutes one-half the entire book. After an interesting discussion of the influence of the contemporary political literature—the most important part of which comes from the friars—the alienation of London and the alienation of Simon de Montfort from the crown are in turn considered. Then follow in the fourth, fifth and sixth parts the denationalization of England with regard to the state, the relations of the church and the pope, and the relations of the church and the king, respectively. Very vividly the author has described the invasion of the greedy horde of royal relatives and that of the hungry throng of ecclesiastical placemen. The fatuity of the king and the arrogance of the pope are well-nigh incredible. Roman extortion began to reach the climax under Innocent IV., whose success in this regard emboldened him to exclaim at the Council of Lyons, 1245, "Verily England is our garden of delights ; verily it is an unexhausted well ; and where many things abound, from the many can much be extorted." The folly of the king in the affair of the Sicilian crown, and the ignominious failure of the Welsh war, are the forces next considered in the remaining two parts of this chapter.

In the closing chapter are treated the outbreak and the culmination of the national movement. No attempt can here be made to review the author's discussion of the Provisions of Oxford or his account of the civil war. The reader will find relatively little here not already familiar to him in the second volume of Bishop Stubbs' great work. The concluding section, however, on "Parties and Principles," is of more interest, especially the analysis of the contemporary poem entitled the *Battle of Lewes*, which stands as a signal proof of the advanced teachings of the friars regarding the principles of limited monarchy and constitutional liberty.

GEORGE ELLIOTT HOWARD.

*Select Cases in Chancery*, A. D. 1364 to 1471. Edited by WILLIAM PALEY BAILDON. [Selden Society.] (London: Bernard Quaritch. 1896. Pp. xiv, 195.)

THE Court of Chancery has this special interest for Americans, that we ought never to have had it. The court arose in England from accidental causes which at first had no existence with us. There it was the result of the "hardening" of common-law process, in the thirteenth century, into forms of action, and of the great inequality which existed between the king's subjects. The "fathers" of the republic did not know that; they supposed that the system of common law and equity was the consummate flower of civilization. Had they known what, thanks to such books as the Selden Society and the newer historians are giving us, we in our day know, the Court of Chancery would probably have run its course, and become a thing of the past, in England alone.

The present volume is a continuous commentary upon the need in England of the court in question. It contains 147 petitions in chancery, from the year 1364 to the year 1471, illustrating about equally the two causes (above mentioned) for the existence of the court.

The second of these causes (we pass over the first for want of space) never involved any principle of equity jurisprudence; it was only a matter of persons; common law as distinguished from equity was administered in chancery for the poor and the weak. This common-law side of the chancery, though already destined to disappear, is constantly in evidence in the present volume and in not a few interesting cases. Most of the cases of the kind, as in the calendars of chancery, are complaints of assault, maiming, threats, and such-like violence, for which redress could not be had in the common-law courts only because the defendants were strong, and the plaintiffs were weak; the defendants overawed the courts, or in some way avoided them, and the plaintiffs had none to help unless the chancellor, "for God's sake and in work of charity," raised his arm. His arm was the king's. We are afraid that Mr. Baildon has made some of these cases more difficult to understand than they really are. To No. 36 there is a note that "no reason appears why the chancellor should be asked to interfere in this case." But the case, we venture to think, was only the familiar one of power and oppression, on the common-law side of the court. The ground of jurisdiction, that the suppliant could not obtain justice at common law because of the power of the defendant, is not in terms alleged, but the allegation is often omitted in cases in which it is fairly to be inferred as it is here. "Beseecheth one Thomas de Bridesall," runs the complaint, "that . . . there came one John de Bulmer, by the order, scheme and advice of Robert Bulmer, his father, and William, his brother . . . with *thirty people* of their covin, arrayed in manner of war," and entered the suppliant's tenements and ousted him, etc. Cases 43, 49, 60, 62, 64, 66, and others, are of the same category. Case 60 is a highly realistic example. John Lyndewode, merchant, complains that while on his way to London to pay his custom

at the Exchequer, various persons named and many others unknown, "some of them arrayed in female clothes, with swords, bows, clubs and other harness" seized him and beat his servant, so that he lost his servant's service. Formal allegation of jurisdiction was unnecessary.

On the whole Mr. Baildon's volume contains little that can be called new, but much that is highly interesting and valuable. Every case deserved to be printed. Mr. Baildon's own work is excellently done; his introduction is a first-rate piece of work and will be found of great help both to the lay reader and to the student and teacher of English institutions. The Selden Society has given us no more acceptable volume than this.

MELVILLE M. BIGELOW.

*A History of the Administration of the Royal Navy and of Merchant Shipping in connection therewith from MDIX to MDCLX.*

With an Introduction treating of the Preceding Period. By M. OPPENHEIM. (London and New York: John Lane. 1896. Pp. xiii, 411.)

THE word administration, to whatever subject applied, is a large term, embracing very numerous and often divergent details. This is no less true of naval affairs than of others, and a History of Naval Administration, extending as this does over several centuries preceding the definite and limited period named on the title-page, necessarily includes the mention of so many different matters as to produce at first sight the impression of a set of statistics and of miscellaneous information to which unity of idea is scarcely to be imparted. Nevertheless, naval administration lies at the bottom of naval efficiency. Due credit can scarcely be given to the warriors upon the sea, or due allowance for their shortcomings made, unless there be some previous understanding of the difficulties under which they have labored, owing to the faulty administration of the governments behind them.

To a naval officer this will be perhaps the most instructive feature of Mr. Oppenheim's comprehensive and meritorious work, the production of which, he tells us in the introduction, has required five years, for the accumulation and digestion of the material. The subject itself, it is to be feared, is only incidentally of much interest, except to a limited class of readers. Nevertheless, independent of its own importance, there are scattered profusely throughout the work indications of historical insight, suggestions of the reasons and bearings of things, and not a few incidents of an anecdotal character, which will repay any one who reads, either for a particular purpose or for general knowledge of the subject.

Of the four hundred pages the author has taken for his treatment, forty-four, one-tenth, are allotted to an outline sketch of naval administration prior to 1509, when the main subject begins with the accession of Henry VIII. This monarch first gave to the royal navy the place in the statesman's scheme, required by the insular position of Great Britain, and by the contemporary conditions, which he clearly recognized; and he also,

just before death removed his own guiding hand, constituted for the new service a system of administration, from which derive by direct descent, though with occasional admixture of other elements, the methods now in vogue. "There is very much less difference," says Mr. Oppenheim, "between the great and complex administration of to-day and the Navy Board of 24th April, 1546, than between the Board of 24th April and what existed the day before. Within the twenty-four hours the old system had been swept away and replaced; its successor has altered in form, but not in principle." Henry VIII. died in January, 1547.

Prior to the Norman Conquest the English navy lacked consecutive existence. "It was essentially a coast-defence force," the author tells us, "mustered temporarily to answer momentary needs." Under such a condition, administration was necessarily spasmodic, not only in practice, but even in idea. With the conquest came the condition that the English Channel separated the two parts of the dominions of one sovereign, to the due administration and control of which command of the water was decisively necessary. The idea of a permanent naval force thence naturally arose, but its first form was not that of a permanent national force devoted exclusively to naval purposes. It was rather that of a permanent arrangement, by which the ordinary shipping of the kingdom, on emergency, could be at once available, by recognized institutions, to serve the king's purposes. "For nearly two centuries this duty was mainly performed by the men of the Cinque Ports who, in return for certain privileges and exemptions, were bound, at any moment, to place fifty-seven ships at the service of the crown for fifteen days free of cost, and for as much longer time as the king required them, at the customary rate of pay." The analogy of this system to the underlying idea of feudalism is readily apparent. It is probable also that the inadequacy of the galley, the prevalent war-ship of the Mediterranean, to the weather conditions of northern seas, prevented the development of a purely military naval force according to the idea of the age, and so retarded the differentiation of ships of war from ships of burden.

The first sign of naval administration under this system is found in the reign of John, "in the official action of William of Wrotham, a cleric, and the first known 'keeper of the king's ships.'" The "king's ships" in this sense were then properly so styled, being the personal property of the sovereign, used either for his own purposes, or, when otherwise idle, hired at times to merchants for commercial voyages. The office of keeper of the ships probably derives from before John, under whom it first appears. From it descends the secretaryship of the admiralty, now the oldest administrative employment in the British navy.

The growing power of France through the progressive consolidation of the kingdom, and the union to it of Brittany, with its long Channel sea-coast and useful harbors, made invasion from England far less possible in the days of Henry VIII. than it had been in the previous century. To Henry's own ambition, to make England an effective factor in Continental affairs, was opposed the aggressive policy of his contemporary,

Francis I., who fortified his Channel ports and brought fleets thither from the Mediterranean to contest the command of the sea. Able as Henry undoubtedly was, the maintenance of a standing navy was thus imposed upon him by necessity as much as recognized, antecedently, by his intelligence, as the natural and proper means by which the power of England could be exerted most effectively. Personally he was interested in ships, in nautical affairs. Under these influences the navy during his reign was so greatly enlarged that it may almost be called a new creation.

The increase in numbers, and the more extensive and prolonged services performed, demanded a more elaborate and elastic administration than that of a single official, under whom were gradually accumulating, by necessity, subordinates or associates, who may have been nominally dependent upon him, but were outgrowing the control of one man, and yet were independent one of another. Speaking of the clerk of the ships in the early part of Henry's reign, the author says, "although the chief administrative officer, he was now by no means the only one, though it is not easy to define the exact duties and responsibilities of his associates." Associates in such positions tend to independence; independence to anarchy. It is the natural tendency of what is now known as a bureau system. Henry VIII. applied to it as a remedy the constitution of a board. The evils of that system are also familiar. It is slow, discursive, and to a certain extent eludes personal responsibility; but properly organized, so that there cannot be a tie, it promotes unity and continuity of action, and obviates hasty and contradictory movements made by men who owe no allegiance to each other, but only to a common head, who may have less knowledge and less character than any one of them. For good or for bad it has been the administrative system of the British navy since the reign of Henry VIII.

It is impossible to go into the infinite details given by Mr. Oppenheim, upon which must be judged the general success and integrity of that administration since Henry's day, and up to the Restoration, where the present work ends. The personal character of the sovereign, or of his prime minister, in that day, was reflected necessarily in the constitution of the Navy Board. That varying constitution of the board, the imperfect moral standards of the day, the recurring financial embarrassments of the state, which forced officials to pay themselves by speculation, all cloud the issue as to the merits of the system itself. Upon the whole, its justification as a system may be rested upon the success which attended it under the Long Parliament, and in the early days of the Protectorate. Men's principles were then strung up under the lofty ideas of the struggle against tyranny; fit men were chosen under the pressure of stern necessity; money was sufficient through constant confiscation of the property of malcontents. The navy thrived; the flag was seen and respected in every sea; the seamen were, comparatively, healthy, contented and disciplined. For details the reader must be referred to the work, sure that, amid much dry detail, he will find much of interest. One forgotten fact may be cited as showing the good and bad results of naval admini-

stration. In the reign of Charles I., Turkish—or Barbary—pirates swept the English Channel, not only capturing vessels, but landing on the coasts, carrying off men, women and children. Under the Commonwealth, "complaints of piracy, in the strict sense, are very few, and there is not a single reference to the presence of a Turk in the narrow seas."

A. T. MAHAN.

*Histoire du Cardinal de Richelieu.* Par GABRIEL HANOTAUX.

Tome II., Première Partie. Le Chemin du Pouvoir; Le premier Ministère (1614-1617). (Paris: Firmin-Didot et Cie. 1896. Pp. 199.)

M. HANOTAUX belongs to the distinguished Frenchmen who have won laurels both in politics and literature. As secretary for foreign affairs he has displayed a sagacity which shows that he has not studied in vain the career of a great diplomat like Cardinal Richelieu. To literature M. Hanotau has made but one contribution, his History of Richelieu, the second volume of which has just appeared, and this has already secured for him a seat in the French Academy. Possibly his success as a diplomat has somewhat assisted in his prompt reception as an academician, for the Immortals are not averse to receiving among their number those who occupy prominent political positions. Yet the merits of the work well entitled M. Hanotau to be admitted into the body which is supposed to contain the most eminent of French writers.

The size of the present work may possibly discourage those who wish to absorb their historical knowledge in the most condensed form. M. Hanotau has already completed one portly tome, which covered Richelieu's early life, together with a masterly review of the political and social condition of France at the beginning of his career. The present publication contains apparently only half of the second volume, and it extends to the close of Richelieu's brief and somewhat inglorious ministry under Mary de' Medici. If the work is continued with the same ample proportions, several volumes will be required for the seventeen eventful years during which Richelieu controlled the destinies of the French people. Yet the career of the great cardinal was so influential in the development of the French government, it was so filled with dramatic interest, so connected with great crises in European history, that it deserves to be examined with a degree of care which only historical students would bestow on less important periods.

Of the manner in which M. Hanotau has done his work there is little to criticise. When his labors are completed the history of a great man will have been fitly told. This is high praise and it is just praise.

The present volume begins with the States-General of 1614, the last session of that body until 1789. Richelieu, the bishop of Luçon, was naturally selected as one of the deputies of the clergy, and had the opportunity, for which he greatly longed, to show himself on the field of politics. M. Hanotau has a taste for pictorial delineation; it is an art

in which he excels. He describes the long procession, brilliant in the varied costumes by which rank and office were then distinguished, in which the States marched to Notre Dame and there listened to the opening address in which they were bidden by Cardinal Sourdis, as a maxim for their future labors, to fear God and honor the king. If there was much that is curious and interesting in the proceedings of the States-General of 1614, there was little of permanent importance; the most important service they rendered the country was the opportunity they furnished the young bishop of Luçon to bring himself to the attention of the court.

Mary de' Medici was then the ruler of France; her son was no longer a minor, having passed the age of thirteen, but he was an ill-educated, slow-minded and backward boy, and she exercised as complete authority as when she was regent of the kingdom. To the source of power the young aspirant at once turned his attention. In later years Mary de' Medici hated Richelieu with an intensity that few could equal, and certainly she had no cause to love him, but at the beginning of his career his hopes of political prominence seemed to rest in the favor of the queen. Even if the future cardinal did nurse visions of personal power, he knew that he must first find his way to office through the good will of those who controlled the appointments to office.

Richelieu took no very prominent part in the debates of the clergy; his practical mind must have realized how void of effect their deliberations would be. But he became known by his discreet conduct in the questions which occasionally disturbed the tranquility of the States. In January, 1615, the session was about to close and the three orders were ready to present to the king the results of their labors, with the prayer that he would receive them with favor. To represent one of the orders on this great and solemn occasion was an honor dear to the ambitious. The friends of the queen-mother suggested that it would be agreeable to her if the bishop of Luçon were chosen as spokesman for the church, and such an intimation was received with submission by a loyal clergy.

The address of the bishop of Luçon was labored and creditable, but it gave little intimation of any extraordinary political ability in the orator. He expressed, indeed, an earnest desire that the clergy should take an active part in the councils of the king, and the wisdom of such a policy he demonstrated by many instances from the past. Such an utterance was, however, to be expected from any one who acted as spokesman for the order. As for Richelieu's real desires, if the bishop of Luçon could be raised to power, he cared little whether the church had any other representatives in the royal councils.

The session of the States-General came to an end to the great satisfaction of the court; their cahiers were received by the king to be answered in due time, and were allowed to be forgotten; but the bishop of Luçon preferred watching the opportunities for political promotion to returning to an obscure and remote diocese, there to minister to the wants of his flock. He did not have to wait long. Concini had married



a waiting woman whom Mary de' Medici brought with her from Florence, and both the husband and the wife were firmly intrenched in the favor of the queen. He was given great establishments, he was made a marshal of France, and as Maréchal d' Ancre the Italian adventurer, under an Italian queen, became the most powerful man in the kingdom. Richelieu did not hesitate to enroll himself among the followers of the prosperous adventurer. When his own power was established he was the haughtiest of men, but he did not scruple to prostrate himself before one whose weak and greedy character he must soon have discovered. The future cardinal had the qualities by which men insinuate themselves into place, and he had also the qualities which fit men to hold place. Those who would shine in public station, but cannot bring themselves to take the steps by which often it must be secured, may be estimable citizens, but they do not help to shape the destinies of a nation.

The ministers of Henry IV. were still in office, but they were not viewed with favor by Concini, and in 1616 they were dismissed. Their places were filled by men little known in political life; two were lawyers, the third was a financier, and the fourth was the bishop of Luçon. He was only thirty-one when he became secretary of state, and an influential member of the government. No one suspected the extraordinary fortune that lay before him, nor the manner in which he would exercise his power. In the States-General he had manifested zeal for his order, and since then he had actively espoused the interests of Concini and the queen-mother. "We could desire nothing better than the bishop of Luçon," wrote the papal nuncio, a sentiment that would not have been echoed by the pope twenty years later. The Spanish ambassador was equally complacent and equally deceived. "In all France," he wrote, "I do not believe there are two men as zealous as he for the service of God and of the Spanish crown, and for the general good." By the enemies of Concini the new secretary was included in a common category of abuse. "This stranger," said the manifesto of the princes, "has dismissed men of merit, and put in their places his own creatures, unfit persons, inexperienced in matters of state and born for servitude."

The new minister had little time to show whether his character was correctly judged by friends or foes. The attention of the court was occupied by the intrigues for Concini's overthrow, and the insurrections of unruly nobles, jealous of his power and desirous of making fresh inroads upon the treasury. On such malcontents in later years Richelieu was to lay a heavy hand, but his time had not yet come.

In the instructions he gave the representatives of France in foreign lands we can, however, find suggestions of the policy which he was to follow in the future. He wrote Schomberg to cultivate the good will of the minor German states, and declared that the Protestant princes should seek the friendship of France; in words that would have surprised his friend, the Spanish ambassador, he said no one need fear that as a result of the Spanish marriages France would forget her own interests in her zeal for Spain. "In matters of state," he added, "no one is so blind as to think a Spanish Catholic better than a French Huguenot."

In November, 1616, Richelieu was made secretary of state, and in the following May he was dismissed from office. When the Maréchal d'Ancre was murdered, the ministers he had chosen were involved in his overthrow. Richelieu fared better than some of his associates; Barbin was sent to the Bastille, but Richelieu's ecclesiastical character secured for him respectful treatment. He even hoped for continuance in office, and showed a willingness to treat Luines, the new favorite, with the same subservience that he had shown Concini. He had no opportunity to do so; the seals of office were taken from him and he retired from court to follow, very reluctantly we may be certain, the declining fortunes of Mary de' Medici.

Here M. Hanotaux for the present leaves his hero. We hope that political success will not too much interfere with the completion of a great historical work. M. Hanotaux has exhausted the sources of information, not only as to Richelieu's own career, but as to the period in which he lived. He possesses the qualities of an historical investigator, unwearied industry, skill in narrative and ability to enter into the feelings and politics of another age. In the science of history French writers during the last twenty-five years have proved themselves the equals of those of any other country. Taine, Broglie, Sorel and their compeers have shown that accuracy of scholarship can be combined with the artistic skill which makes the history of the past alike interesting and instructive; and M. Hanotaux deserves an equal meed of praise.

JAMES BRECK PERKINS.

*The Physiocrats.* Six Lectures on the French Économistes of the Eighteenth Century. By HENRY HIGGS. (New York: The Macmillan Co. 1897. Pp. x, 158.)

THE publication of Professor Oncken's edition of Quesnay's complete works in 1888 has been followed by a shoal of monographs from Professor Oncken's pupils and others which have cast a good deal of fresh light on the personal and literary relations of the Physiocrat group. But this new "literature" is scattered, and some of it not readily accessible; and Mr. Higgs has done a real service to students of the history of economic thought in bringing together in a brief and compact form the chief biographical and bibliographical conclusions which emerge from all this recent investigation. "Biographical and bibliographical," I have said; for Mr. Higgs informs us in his preface that he has intentionally "restricted critical and doctrinal comment within the narrowest limits." Mr. Higgs is one of those who believe, for their own happiness, that "a clear and cogent theory of value, the kernel of economic science," has actually been "established," and that "in the present generation" (p. 125); so that he would seem to enjoy advantages as a critic of Physiocracy denied to some of his predecessors. But the pages actually devoted here to criticism (especially p. 124) incline one to believe that Mr. Higgs's strength lies rather in historical investigation (where he has already abundantly exhibited it in his papers on Cantillon) than in

abstract analysis. The general conclusions are indeed in some cases surprisingly like those of the "little text-books" of which Mr. Higgs speaks with deserved scorn, *e. g.*, that the *Wealth of Nations* "sapped the scientific basis" (p. 58) whereon Physiocracy reposed.

The book is divided into six chapters: Rise of the School; The School and its Doctrines (2); Activities of the School; Opponents of the School; and Influence of the School. Each of these chapters is a bundle of brief biographies, with all the proper bibliographical information concerning the writings of the several writers, and a list of the contents of the more important of them. As may be supposed, therefore, the enterprising reader who should attempt to read through the book at one or two sittings will not escape altogether from the *ennui* which has dogged the "Economists" from the first; but to those who, knowing something of the subject already, will use the book as a dictionary it will be found exceedingly convenient. A few points of detail may perhaps be noticed. To say that Turgot "shared many of their ideas" (p. 4) is not a felicitous way of expressing the fact that he was in fundamental agreement with them. The "economic woes of the ancien régime" do not lose in the telling (pp. 5-11): Mr. Higgs is possibly a little too ready to give entire credence to Physiocratic lamentations; and it is making too much even of Quesnay to convert him into "competent judges." The mention of "entrepreneur" by Quesnay in 1757 is hardly a "noteworthy early use of an economic term;" it was in common use long before; *e. g.*, it was applied to Riquet by Vauban in 1691 (Clément, *Colbert*, II. 125). The verbs "to maximise" (p. 52) and "to opine" (as Mr. Higgs uses it, p. 43) can scarcely be recommended for imitation. As to the maxim *Laissez faire*, attention may be called to Colbert's language in 1669: "Il faut *laisser faire* les hommes qui s'appliquent sans peine à ce qui convient le mieux; c'est ce qui apporte le plus d'avantage" (cited, after Wolowski, by Levasseur, *Classes Ouvrières*, II. 193). But precisely similar language might be cited from writers, both French and English, whom one would have to call mercantilists. They did not indeed draw such sweeping conclusions from the maxim as writers of a later age; but the use of such language harmonizes with the fact to which commentators on the Physiocrats and on Adam Smith seldom call attention, that the way of the later "free trader" was not altogether unprepared for him. Finally it may be urged that "a statement of Locke that all taxes fall ultimately upon land" is a somewhat slighting way of referring to Locke's carefully drawn-out argument, which clearly anticipated (if it did not suggest) the assumptions and deductive reasoning by which the Physiocrats arrived at the same conclusion.

W. J. ASHLEY.

*The Autobiographies of Edward Gibbon.* Printed verbatim from hitherto unpublished MSS., with an introduction by the Earl of Sheffield. Edited by JOHN MURRAY. (London: John Murray. 1897. Pp. xiv, 435.)

*Private Letters of Edward Gibbon* (1753-1794). With an introduction by the Earl of Sheffield. Edited by ROWLAND E. PROTHERO. (London: John Murray. 1897. Two vols. Pp. xii, 400, 430.)

THE first Lord Sheffield, in the preface to his edition of Gibbon's *Miscellaneous Works* in 1795, briefly described the six sketches of his life which Gibbon left, and announced that "from all of them the following Memoirs have been carefully selected and put together." So skillfully was this done that the resulting narrative, notwithstanding this avowal, came to be regarded as Gibbon's work as it stands, so that when, two years ago, the six manuscripts were thrown open to the public view and the composite character of the received text of the autobiography was revealed, that revelation was hailed as an important literary discovery. This popular idea even finds a place in the preface of the present Lord Sheffield, who says that the autobiography "is now proved to be in no sense the simple work of that illustrious pen, but to have been dexterously pieced together out of seven fragmentary sketches and adapted into a single and coherent narrative." As the first Lord Sheffield's preface is not reprinted, this passage and two or three others of like character will perpetuate a misconception which is unjust to the first Lord Sheffield.

Mr. Murray has published the six texts under the titles of A, B, C, D, E and F in the following order: F, B, C, D, E, A and D, but without explaining the significance of the names or of the arrangement. The alphabetical succession denotes the supposed order of composition, and the order in which the texts are printed indicates in general the order in which the manuscripts were used as the basis of the received text. As neither Mr. Murray nor Mr. Frederic Harrison has shown precisely how the compilation was made it will not be out of place to do so here.

The received text in the Smith-Milman edition of the *Decline and Fall*, as published by Harper and Brothers, occupies pp. 44-205 of Vol. I., and will be cited as R. T., *i. e.*, "Received Text." R. T. opens, p. 44, with a paragraph from A, p. 354; pp. 45-46 are made up from memoranda on pp. 417-419 combined with A, p. 355; p. 47 is from B, pp. 104-105. Then, from p. 48 to p. 94 F is incorporated, with occasional omissions, from its beginning, p. 1, to the end, p. 95. The only interpolations in this long section are slight ones on pp. 60 and 70 from B, pp. 105 and 116. At the end of F, which is mainly a rewritten and expanded version of B, the compiler resorted to B, and R. T., pp. 95 to 147, is derived from B, pp. 130-210 (end of B) with the insertion of about six pages from C in five different places. R. T., pp. 147-167, is from C, pp. 265-292 (the end of C), with the omission of two pages, 289-291. R. T., p. 168 to the end, p. 205, is from E, pp. 306-349 (the end of E), with Gibbon's foot-notes largely incorporated in the text. The received text, then, is based on F, B, C and E, used in that order, each as far as it goes. There is on pp. 167-168 of R. T. a pas-

sage of 21 lines, which is intimately connected with the context, but which is not in E nor any of the other texts. One is forced to the conclusion that a page of MS. of E has either been lost or omitted in printing. The passage is an important one and its omission from this complete edition is much to be regretted.

It will be seen from this analysis of the composition of the received text that the amount of new matter to be found in this volume is not very great, if we except the long genealogical introduction to A; and that most of the omissions were simply variants of what was included. Yet in that sifting process many a characteristic touch disappeared. By the restoration of these the outline of the portrait is softened and there is a distinct gain of naturalness and humanity.

The same is true in much greater degree of the edition of the letters. Lord Sheffield certainly culled the most interesting parts of the correspondence for publication in 1795. Much that he omitted was truly described by Gibbon as "a vexatious repetition of losses, of disappointments, of sales, etc." But with this knowledge of Gibbon's pecuniary trials we have also recovered a good deal that is of interest about Gibbon's first residence in Switzerland, his travels, his parliamentary career, and his later life at Lausanne in the opening years of the French Revolution. There is less about his studies than one would expect. The new letters reveal one secret, however, that will strike the world with surprise, and that is that Gibbon authorized his proposed French translator to "Bowdlerize" the famous chapters on the rise of Christianity. He writes to M. Suard, November 8, 1776: "Je ne craindrois pas de vous confier les droits les plus étendues pour changer et même pour supprimer tout ce qui vous paraîtroit le plus propre à blesser la délicatesse de votre église et de votre police. J'irais moi-même au devant de leurs scrupules et . . . je vous aiderois à enlever toutes les pierres d'achoppement," I. 293. Another translator, however, had already undertaken the work, and apparently these chapters were published in their integrity, but the Rev. Thomas Bowdler came nearer than he imagined to having the author's example to guide him in the preparation of his *Family Gibbon*.

Gibbon's service in Parliament covered the period of the American Revolution, and during the latter part of the time he was a member of the Board of Trade. The complete correspondence of these years sets his political career in a much better light than did the selections published by Lord Sheffield. We find that Gibbon made a serious attempt to inform himself on the American question, and that he really appreciated the importance of the crisis. Mr. Cotter Morison, relying on the fragmentary letters, has depicted Gibbon's parliamentary career much too unfavorably.

The editing of the volume of autobiographies leaves much to be desired. The absence of any adequate critical introduction has already been noticed, as well as the failure to remark upon the loss of nearly a page. Mr. Murray incloses omitted passages in brackets, but, obviously, this is impracticable where there are parallel narratives. He should have

enclosed in full-faced brackets all passages that Lord Sheffield inserted and in thin-faced brackets the parallel passages in the other narratives, and then provided marginal cross-references. Mr. Murray's method is less precise and he has failed to carry it out correctly; *e. g.*, compare p. 355 with R. T., p. 45. Again, a passage in F, p. 37, is not bracketed, while the earlier version, B. 156, is in brackets; but neither of them is in R. T., p. 63.

Mr. Prothero's management of the text is to be commended, and both editors have added useful notes in explanation of the literary references which would puzzle the modern reader.

EDWARD GAYLORD BOURNE.

*Governments and Parties in Continental Europe.* By A. LAWRENCE LOWELL. (Boston and New York: Houghton, Mifflin and Co. 1896. Two vols., pp. viii, 376; viii, 455.)

THIS book contains an account of the origin of the existing constitutions of the five states of France, Italy, Germany, Austria-Hungary and Switzerland; a description of the present government in each state, with a pretty full account of the local governments as well as the general governments; a brief history of the political parties in each state and a description of their present organization. Even as a mere summary of useful information conveniently arranged the work has a high degree of merit. The real object of the author, however, is not a compilation of useful information; it is rather an original study of the actual politics of the day. The history and description are subordinate to the illustration of present political life. The author has in view both English and American readers. There is a frequent reference to English and American politics and a constant comparison of Anglo-Saxon and Continental institutions.

The author appears at his best in seizing upon and setting forth the characteristic features of the different states. In France there has grown up a system of centralized administration which holds together in spite of revolution. In a negative way the administrative system is a cause of revolution. Once this system is in the hands of a party in the state, the opposing party can again secure a share in the government only by recapturing the administrative machinery, that is, by a revolution. In Italy the Liberators, who at the time of the revolution of 1861 were strongly republican in their political convictions, became faithfully devoted to the support of the monarchy; while in France believers in monarchy were induced to support the Republic. Those, however, in France who remain open enemies of the Republic take an active part in politics; they hold seats in Parliament, and appear so formidable as to compel men of widely divergent political opinions to act together. In Italy, on the other hand, the papal party hold aloof from national politics, do not vote or hold office. The liberals therefore have a free hand in the national legislature, and the result is that, not being confronted by their enemies, they break up into small groups, or into formidable factions.

Germany is a state instinct with the spirit of monarchy. Monarchists in France support a republic; republicans in Italy support a monarchy. But in Germany both the people and the government are believers in monarchy. Even the socialists do not attack the monarchy. The unique creation of recent German politics is the office of chancellor. The king of Prussia and the emperor of Germany are one and the same individual, but the legislature of Prussia and the legislature of the empire are entirely distinct entities. There are likewise diverse administrative systems, and such are the relations of the government of Prussia to the empire that it is quite essential that there should be at the head of both one guiding hand. So long as the old emperor lived, he and the chancellor together furnished the one guiding hand, and the hand was the hand of Bismarck. The young emperor introduced duality and confusion into this office, which threatened serious constitutional changes. The office of chancellor, however, still remains, and the emperor is compelled to find an administrative chief who can work in harmony with himself and two distinct legislatures.

In Austria Mr. Lowell finds "a museum of political curiosities,"—a dual state with a number of theoretically impossible, or at least improbable, political institutions. Yet, thanks to a common hatred of the Turks on the one side and the special fear of Russia on the other, these people work their dual institutions with a good degree of success.

The author devotes little space to mere glittering generalities. The characteristic features are worked out in detail. A good deal of attention is given to local government in each state, to the judicial systems, and to political parties in their relations to the voters as well as in their relations to the legislatures. The five Continental states described have each of them strongly marked and apparently permanent characteristics. When one state has attempted to copy from another there is either failure or material modification. In each state the successful institutions are those which have grown out of local conditions. Distinct as the states are, they are all strongly contrasted with the Anglo-Saxon world. Centuries of training under the development and administration of the common law have left marks upon the political institutions of the English-speaking race. Mr. Lowell has elaborated this distinction in his treatment of France, but the same characteristic points of difference appear throughout the work.

In the Anglo-Saxon world the courts of law have a position of power and influence which is nowhere else accorded to them. This reaches its highest illustration in the United States, where a court is made the final interpreter of our constitutions, state and national. In America the ordinary court protects the citizen both from the legislature and from the executive. In England the ordinary court protects the citizen from unlawful acts of the executive. In Continental Europe the ordinary court protects the citizen neither from the legislature nor from the executive. True, in Switzerland a citizen may, under certain conditions, sue an executive officer. But apart from this, if a citizen on the Continent is



injured by unlawful acts of a public officer he has no redress whatever in the ordinary courts. There is a sharp line of distinction between private and public law. The ordinary courts attend to grievances of private citizens; they have nothing to do with public officers. There are executive councils or administrative courts which attend to complaints against public officers. This distinction between public and private law holds in Switzerland as elsewhere on the Continent. Mr. Lowell refers to Montesquieu's dictum as to the importance of separating legislative, executive and judicial powers. The doctrine was accepted both in France and in America, but in the two countries the words had a wholly different meaning. In France they mean "that the administration ought to be free to act for the public good without let or hindrance from the courts of law." With the growth of democracy on the Continent there seems to be little tendency to break down this distinction between private and public law, and the permanence of the distinction naturally makes a marked difference in the distribution of governmental powers.

If the executive is supreme in the interpretation of its own acts it is virtually supreme in the making of the laws which govern the conduct of executive officers. Large fields of legislation which in England or America are religiously kept in the hands of the legislature are on the Continent left to the executive. Law-making is greatly simplified. The statutes are brief declarations of the general intentions of the legislature, while the details are expected to be filled out and the defects removed by administrative councils and the interpretations of administrative courts. Often the legislature simply directs the executive to make and execute a body of rules pertaining to a given subject. Even the voting of taxes is sometimes left to the executive. To Anglo-Saxon prejudice this would mean tyranny and oppression. But to dwellers in France it means nothing of the sort. The executive as such is feared no more than the legislature or the courts. It is simply a different method of governmental action. It may be as popular, as democratic, as any other method.

Mr. Lowell manifests the true prophetic spirit of the contemporary historian, and forecasts for us the probable future development of the various states discussed. In the case of France and Italy there is an apparent tendency to prophecy in favor of the development of the English cabinet system. The facts and observations cited may, however, easily be so interpreted as to lead to a different conclusion. The English cabinet system requires an artificial division into two political parties, while everywhere on the Continent the prevailing tendency seems to be in the direction of permanent political groups guarding, or representing, special interests. The fusion of so large a share of what Englishmen and Americans would call judicial and legislative business into the executive will render permanently inapplicable many of the features of the English system. Notwithstanding the English cabinet does in fact attend to both legislative and executive business, the two kinds of business are never-

theless kept as distinct as they are in America. The cabinet in the business of directing legislation is quite distinct from the cabinet engaged in the business of administration. Parliament makes laws for the government alike of all public officers and of all private citizens. A cabinet officer may be arraigned before an ordinary court and punished for the violation of a law which, as a cabinet officer, he assisted in formulating. In France or Italy the case is different. Law-making is not the extensive and serious business that it is in England. Cabinet officers on the Continent in their capacity as administrative officers attend to a large part of the business which is attended to by Parliament. In England the point of chief political interest is in legislation. On the Continent a much larger share of political interest centers in administration. For these and other reasons there is likely to be a permanent difference in the alignment of political parties and the development of the forms of administrative agencies.

Our author thinks it will be a long time before the representatives of the people obtain direction of public affairs in Germany. Yet in the book as a whole there is much encouragement for the democrat. In the dual monarchy the state of Hungary, through a sort of democratic training, manages to exert seventy per cent. of the political influence of the empire and to pay only thirty per cent. of the taxes. Democracy is not limited to one form or two forms of government. Sir Henry Maine, in his defence of monarchy, spoke of democracy as simply one form of government. But the Anglo-Saxons have created two distinct forms of democratic government. Surely the Swiss have a form of democracy that is neither English nor American in its essential characteristics. The people of Italy have concluded to treat monarchy as a mere form of government—one of the many forms which democrats may employ in getting their will executed.

JESSE MACY.

*The Colonial Tavern: a Glimpse of New England Town Life in the Seventeenth and Eighteenth Centuries.* By EDWARD FIELD. (Providence: Preston and Rounds. 1897. Pp. viii, 296.)

THE tavern was certainly an institution in the New England colonies. Modeled in general after the English pattern, it easily accommodated itself to the necessities of our pioneer settlements and became a conspicuous and indispensable feature in their development. Hitherto the subject has received incidental attention in town histories and in the proceedings of local societies, but with the growth of historical inquiry and research there has come to be a demand for a comprehensive work treating of the tavern as it was in relation to society and politics, to trade and travel. Such a book Mr. Field has now given us. His previous publications relating to certain points in Rhode Island history no doubt brought to light the possibilities of a treatise like this, upon which he has evidently bestowed considerable labor. He divides the subject into eight

chapters, showing The Tavern and its Keeper, The Sign and Name, The Tavern and Training Day, Tavern Cheer and Charge, Tales and Travelers, The Tavern in the Revolution, and The Tavern and the Stage Coach.

There are no illustrations except the small pen-and-ink designs which furnish a pleasing initial cut for each chapter. Such a book might have had pictures of some of the noted hostelries which it describes. Several of them are still standing and sketches of others have fortunately been preserved. They would have been welcome here.

Massachusetts seems to furnish the largest share of the material on this subject as on so many others. Such town histories as those of Cambridge, Dedham, Medford, Lynn, Newbury, Medfield and Lancaster have been consulted, but those of Milton, Lexington, Groton and other well-written towns are not quoted, though they would have yielded interesting additional facts, as would many an old town in New Hampshire and Connecticut. But the author has done a good service by introducing us to so many of the famous inns and showing the prominent place they occupied in the life of the fathers.

Next to the meeting-house—in more senses than one—came the tavern. It was not only a dispenser of comfort and the centre of news, but often the place in which the town meeting was held, and the court of law, and the ecclesiastical council and the military elections. It fulfilled, indeed, many of the functions of the modern club, and exchange, and lodge, and post-office, and saloon, and newspaper. The tavern was open to all comers except apprentices, negroes and Indians. In most cases the bar was the chief attraction, as the liquor habit was universal. The legal restrictions, however, were very severe, and the Puritan sense of order and propriety was seldom violated. The landlord was a personage who usually enjoyed the public confidence and was often prominent in town affairs, serving as constable, assessor, school-master, store-keeper, surveyor, tithing-man, post-master, selectman, or as representative in the General Court, captain of the train-band, or chorister and even deacon at church. Such offices do not seem to have conflicted with the commonplace duties of an inn-keeper, probably because the incumbent was known to be a good deal of a man and not a mere bar-tender. Dunton, who travelled here in 1686, speaks of his landlord at Lynn as “a fine old English gentleman,” who had been “one of Oliver’s soldiers.” Doubtless there were many tapsters who would answer to John Adams’s description of his Ipswich host who was “always calm and good-natured and lazy.” A Salem widow was authorized in 1645 to keep a tavern if “she provides a fitt man that is godly to manage the business.” Here perhaps we may find a warrant for the “Norwegian plan.”

No event brought so many people together as training day. Eight times a year all able-bodied men were required to attend. Training and treating were then in order. Old account-books show the charges for “beare and wyne,” “syder,” “rome,” “vittals and logen.”

The Revolutionary period brought the tavern into great prominence

as the rendezvous of the Sons of Liberty, the Committees of Safety and of Correspondence and as a depository for arms and the headquarters for recruiting officers.

The stage-coach gave the crowning glory to the tavern; and the driver became, in his turn, as important a character as the landlord. There can be no more picturesque illustration of country life than the arrival of the mail announced by the distant horn and attended by a general turn-out of the village folk to see the stage and get the news. But alas! that glory was short-lived, and the locomotive, which gave us the "depot," sounded the death-knell of the tavern.

The author would have aided students had he given an occasional foot-note stating by whom certain letters and diaries were written. The margin is wider than most readers would care for. The index is good, but not quite complete. Some of the tales in Chapter VI., though interesting, might have been abbreviated.

EDWARD G. PORTER.

*The Statutes at Large of Pennsylvania from 1682 to 1801.* Compiled under the Authority of the Act of May 19, 1887, by James T. Mitchell and Henry Flanders, Commissioners. Vol. II., 1700 to 1712. (State Printer of Pennsylvania. 1896. Pp. 676.)

AFTER ten years of labor the first volume of what promises to be by far the most complete of all the state Statutes at Large has been issued and will be a welcome addition to the collections hitherto made by Virginia, South Carolina and Massachusetts. An earlier volume, as indicated by the title-page of the present one, is yet to come, which will include, so the prefatory note announces, all statute laws from the foundation of the colony to October, 1700, "with the charter, the action of the crown upon those laws, the unpublished commissions and secret instructions to the several deputy governors, which explain many of the difficulties they labored under in assenting to the enactments of the Assembly; and the various essential documents on which our colonial legislation was fundamentally based," the publication of which "is deferred with the view of obtaining some additional matter and for the purpose of inserting a general survey of the work, which latter can only be prepared after all the subsequent volumes are in type."

Too much praise cannot be given to the execution of this work and especially to the portion falling to the share of Mr. Charles R. Hildeburn. To each law he has affixed its history, showing when it was passed, when repealed, and what law took its place, with much other material of the greatest value. A single example will illustrate the thoroughness with which this work has been performed:

"Passed November 27, 1700. This act is said by Weiss and Brockden, Galloway, Dallas and Smith to be supplied by an act of 10 Queen Anne, of June 12, 1712, which Dallas more specifically indicates (in a footnote) as his Chapter 186. The latter, our Chapter 185, applies only

to Philadelphia, and does not touch upon the subject of the third section of this act.

"It does not appear to have been submitted to the consideration of the Crown in 1705 (see Appendix I., Section II.), and in the editions of 1714, 1728 and 1742, it is marked 'repealed.' The minutes of the Assembly are missing from October 27, 1701, to May 24, 1704, and it is probable that this act was repealed by a resolution of the Assembly passed within that period, as was done on October 17, 1701, in the cases of Chapters 76 and 77."

Nor does this history of each act include all the relating material, for over a hundred pages of appendices are added, made up of extracts from the Journal of the Board of Trade, Orders in Council, opinions of the royal attorney-general, minutes of the Provincial Council, letters of the royal governors, and other material of the greatest possible value for a thorough understanding of the colony laws.

A survey of the statutes reveals little which makes Pennsylvania distinctive from her sister colonies, if we except the act granting liberty of conscience to all Trinitarians, and another taxing the importation of negroes, originally enacted at the rate of forty shillings the poll, but quickly raised to twenty pounds, equivalent then to a prohibition, though even Quaker altruism was forced to throw a sop to the commercial classes by permitting the importation of negroes in bond, so as to leave to Philadelphia its share of the slave trade. Otherwise the laws are typical of the times rather than of the province; measures repressing duelling, swearing, Sabbath-breaking, health-drinking and most forms of amusements being noticeable, together with the economic cure-all of new ratios for coins, and the inevitable tender laws which always followed in its footsteps. It is interesting to note that a favorite form of tax was the poll-tax, which otherwise, except in New England, was always an unpopular form of collecting money, suggesting a possible relation between the greater democracy of those especial colonies and the tax now-a-days considered the reverse of democratic.<sup>1</sup>

PAUL LEICESTER FORD.

*History of Proprietary Government in Pennsylvania.* By WILLIAM ROBERT SHEPHERD, Ph.D. [Studies in History, Economics and Public Law, Columbia University, Vol. VI.] (New York. 1896. Pp. iv, 601.)

WE have here an elaborate study of the proprietary system which existed in Pennsylvania from the grant to William Penn, in March, 1680-81, to the overthrow of the royal control and colonial organization, in July, 1776. The designation "proprietary government" is to some extent misleading; strictly speaking, there never was in Pennsylvania any real government by a proprietor, unless we choose to except the two periods of two years each which Penn spent on the soil, 1682 to 1684

<sup>1</sup> Vol. III. (1712-1724) has also appeared.

and 1699 to 1701. His personal influence was such that he then practically ruled the little community, and was a governor in fact as well as in name. In the remaining ninety-one years Pennsylvania was chiefly controlled by its elective assembly, with such checks and interruptions as the crown inclined, and the deputies of the proprietors were able, to apply.

The great value of Dr. Shepherd's large book lies in its careful study of the Penn manuscripts in the collections of the Historical Society of Pennsylvania at Philadelphia. Some of these "relate to the settlement of Pennsylvania and to the founder of the province," but "the greater portion is composed of the correspondence of the descendants of William Penn with the deputy governors and with their agents in Pennsylvania from 1729 to 1775." These manuscripts, most of which were acquired by the society in 1870, through a purchase made in London, are arranged in eighty-seven large volumes, "and sufficient remain unbound to make one hundred volumes when the arrangement is complete." "Much has yet to be done," Dr. Shepherd states, "before the collection will be properly accessible to the historical student." It is in view of this absence of completed arrangement, and of the great bulk of the materials, that we must award so much credit to the courage, persistency and intelligence with which Mr. Shepherd has attacked and—fairly—mastered them. It is not probable that any other one person, living or dead, has ever read so many of these manuscripts, and it must remain doubtful when anyone else will address himself to so serious a task.

The contents of the manuscripts, to which we are thus afforded a fairly complete and satisfactory clew, are interesting and valuable, though we may not assign them so great importance as does Dr. Shepherd. The period after 1729, when the three surviving sons of William Penn, John, Thomas and Richard, became established in their inheritance as "the Young Proprietaries," down to the cataclysm of the Revolution, is the period in which the proprietary control of the colony was ebbing away, and the letters written by the Penns, mostly by Thomas, and by their Pennsylvania correspondents, are in no small measure controversial. They cannot be taken without reserve. They require to be read in comparison with other documentary evidence, and in the light of circumstances concerning which we are otherwise well informed. Perhaps it may be said that in his estimate of Thomas Penn's relations to the colony, and to persons and events in its history, Dr. Shepherd gives a somewhat undue weight to Thomas's own representations. It is more than likely that in native rectitude of statement he was not inferior to Benjamin Franklin, or Provost Smith, or Joseph Galloway, but where their written averments differ widely, as is so frequently the case, it is obviously imprudent to follow any one of them implicitly.

The book is by no means merely a summary of this correspondence between 1729 and 1775. It presents a view of the whole proprietary period, as its title states, and between 1681 and 1729 it uses the materials, manuscript and printed, which are available for such a study. It

thus becomes practically a history of Pennsylvania down to 1776, and the author is compelled to pass judgment upon many obscure and doubtful questions. Some of these judgments are judicious and helpful; others will be disputed. The account of the period before 1729 is marred by statements which an unfriendly critic would make the occasion for serious complaint, and as the book will be, as it ought to be, an authority for future consultation, it is necessary to suggest some of them, though it is impossible here to do more than introduce the subject.

In the sketch of the early settlement, the description of the location and plan of Philadelphia is misleading. It is explicitly stated (p. 20) that "the commissioner," (there were three) sent out in the autumn of 1681 to locate the city, "did nothing but explore the country till the arrival of Penn in October, 1682." Undoubtedly the site was chosen by Markham and the commissioners, in 1681, was then surveyed by Fairman, and was later plotted by Holme, so that by the summer of 1682, several months before Penn's arrival, its location was settled, and its plan known. There are passages in the description of the Swedish and Dutch occupation which are not clearly correct, but space cannot be taken here to discuss them. In the account of the Indians, the opening paragraph (p. 94) is very confused. It makes the statement that the hunting-ground of the Delawares—the Lenâpé—was "from the sources of the Delaware and Susquehanna rivers, southward to the Lehigh hills, and westward far beyond the Susquehanna." This assigns them a large part of the region of the Iroquois, their enemies and oppressors, in New York and northern Pennsylvania, and excludes them from the place in which they were most securely seated, along the Delaware valley south from the Lehigh hills—the Blue Mountains—to the sea. It is curious to note that in his discussion of the Indian question Dr. Shepherd seems to have made no use of Charles Thomson's valuable, if not invaluable, *Enquiry into the Causes of the Alienation of the Delaware and Shawanese Indians*. The allusion (p. 114) to the motives which caused the organization of the "Friendly Association," in 1756, is unfair, and supported by no testimony within my knowledge except that of persons who coveted the Indians' lands.

The nature of the subject necessarily involves a good deal of attention to the Friends or "Quakers." Penn's connection with them, and his lofty desire to make here the "holy experiment" of a community which should maintain the Christian rule of peace, creates a situation in which it is impossible to write Pennsylvania history without discussing the Friends, and their social and political variation from other classes of people. In this discussion Dr. Shepherd is in the main fair, though he sometimes follows the lead of their enemies, as in charging them (p. 533) with "unreasonable behavior in clinging to their seats" in the assembly; with being (p. 557) "fond of political power;" with being (p. 548) "too fond of power to give to the charter anything but the narrowest construction," and with having (p. 551) "stubbornly held fast to their political control." Discrediting some of Franklin's exaggerations



(*c. g.*, his story of the proprietaries' wealth), in the partisan *Historical Review*, he yet follows him in other statements not less unsound. Confidence is given in several places to his quips and jokes, his egotistical personal narratives, and his averments and arguments made to serve a temporary controversial purpose. It may be noted at this point that the statement (p. 351) that "among the many tenets of the Quakers, the one which concerned the taking of an oath was probably the most prominent," is not doing justice to Dr. Shepherd's own acquaintance with the Friends; relatively, this "testimony" was a minor one, though in their troubles over the administration of the government their enemies made it play an important part.

On page 324 it is stated that the people of Delaware were (about the period of the separation from Pennsylvania, 1704) "for the most part of Dutch and Swedish parentage." This could be fairly said only of Newcastle county; Kent and Sussex, especially the latter, were and long remained strongly of English blood. On page 545 is given a list of the "German religious sects," whose members were emigrants to Pennsylvania before 1755, in which the Lutherans and German Reformed, who formed probably the majority, are not mentioned.

HOWARD M. JENKINS.

*The Literary History of the American Revolution, 1763-1783.* By MOSES COIT TYLER, Professor of American History in Cornell University. Vol. I., 1763-1776. (New York and London: G. P. Putnam's Sons. 1897. Pp. xxxi, 521).

ALTHOUGH the title does not announce it, the present work must really be considered not so much a distinct study, as a sequel to the *History of American Literature during the Colonial Time*, issued by the same author several years ago. It is true that the new book stands for itself and by itself, but a survey of the literature of the Revolution which passes over some of the leading writers with scarcely a reference, is either to be blamed as defective, or such omissions are to be explained by reference to an earlier work. In the present volume, the writings of Thomas Hutchinson find scarcely a mention, except for his *Strictures* on the Declaration of Independence, and three quotations from private letters serve to dismiss Franklin from consideration, though his famous *Examination* was the first political pamphlet which really broke through the colony boundaries. The explanation is, of course, that these and other writers had already been treated in the earlier work; but we think a note to this effect in the preface would, on the whole, have been worth the making.

Another point on which there is room for question is the neglect of a very essential class of writers. In the sense of an American literature produced on our own soil, no objection can be made to the omission of this class, but the title suggests no such distinction, and a *Literary History of the American Revolution* can scarcely be considered complete

without reference to the writings of John Huske, William Bollan, William Knox, and Thomas Pownall, all of whom, though they wrote and published in England, nevertheless were of either American birth or residence.

But since Professor Tyler has drawn these lines of demarcation, and deliberately elects not to consider the writers already treated by him in his previous work, or those whose labors were done in Great Britain, this criticism cannot be considered as material, since it is only fair to judge a book by the author's evident intention. From this standpoint it is far and away the best treatment of the literature of those years of turmoil yet written, so careful and accurate, so full and discriminating, that it must stand apart from all previous attempts. Professor Tyler has read, one can say absorbed, everything that is material in the controversial battles, no skit or broadside even being too ephemeral to be cast aside as worthless. From this mass of material he has culled the interesting, the distinctive or the typical, and has so arranged and framed his literary mosaic, that a vivid picture is presented, not merely of the literature of the times, but of the very minds of a people. Had he but extended his studies one point further, and added a survey of the newspapers, which fought half the battle at least, his work would stand preëminent, not merely as a history of the writing of the period, but of all the intellectual forces acting upon a fresh-minded, clear-headed people. He explains the omission by stating that the newspaper then occupied a "subordinate place" as compared with the pamphlet, but in this we must take issue with him. Otis, Adams, Franklin, Dickinson, and others of the same type, did the larger part of their work through the American press, and their choice of this vehicle for public appeal shows the influence of the fourth estate at that time.

Considering points more in detail, the author calls attention to two hitherto unnoticed works on trade: *An Essay on the Trade of the Northern Colonies*, and *Some Thoughts on the Method of Improving and Securing the Advantages which accrue to Great Britain from the Northern Colonies*, but he has no clue to the authorship of either. They were both merely newspaper articles, the first being printed in the *Pennsylvania Journal* and the last in the *New York Mercury*, though both were reprinted in London as pamphlets. The second was written by Archibald Kennedy and the probabilities are that the first was also. He was an early and somewhat prolific American writer on trade, of considerable ability, who has been singularly neglected, except by Appleton's *Cyclopadia of Biography*, which, with its customary accuracy, kills him several years before he died.

A question on which the author has been misled by George H. Moore's pamphlet on the *Declaration of the Causes for taking up Arms*, concerns the authorship of that piece. Dr. Moore proved to his own satisfaction that Jefferson, in his words, "lied" in claiming a material share in the authorship of this paper, but his pamphlet was written before Jefferson's drafts were discovered. They have since been printed,

with such corrections as Dickinson wrote upon them, and they show that the larger part of the famous paper was drafted by Jefferson.

We think, in his consideration of Francis Hopkinson, it may interest Professor Tyler to glance over that author's *Errata, or the Art of Printing incorrectly*, together with Stewart's reply entitled *The Ass in the Lyon's Skin, discovered by his Braying*. The latter was almost the first publication (1764) of the "little genius" and, though bad-tempered, is distinctly entertaining. A reconsideration of the reference on page 206 to a "certain great author" will probably result in the substitution of the name of Jonathan Edwards for that of Bishop Berkeley. Finally, the question of Hamilton's age is now so debatable a point, that it is no longer wise to consider his precocity as an established fact.

PAUL LEICESTER FORD.

*History of the Transition from Provincial to Commonwealth Government in Massachusetts.* By HARRY A. CUSHING, Ph.D., Tutor in History, Columbia University. [Studies in History, Economics, and Public Law, Columbia University, Vol. VII., Number 1.] (New York. 1896. Pp. vi, 281.)

MR. CUSHING has selected a field which has attracted the attention of many writers, but he alone has recorded in detail the results of an examination of this subject, made with scrupulous care, which covers the voluminous authorities under consideration. He has had at his command, not only the publications of the time, but also many manuscripts, and has placed before us in orderly arrangement an analysis of their contents, containing much that is new. It may be asserted that no person will be tempted to follow in his footsteps, and as a consequence this volume must stand as an authority upon the topic of which it treats, within the limits of the period investigated by the author. In respect to these limits, to questions of proportion, inclusion and omission, and to conclusions, no two scholars will wholly agree, and the reader of the book will perhaps be disposed to give preference to the opinions of the author rather than to those of the critic.

The analytical treatment of the subject by Mr. Cushing begins with the ante-Revolutionary conflict between the provincial legislature and the royal governors. The writer seeks for some hidden explanation of this and finds it in what he terms "elements of antagonism in the provincial system." Following the statement of what these elements were, is an analysis of the work of the Provincial Congress and its accessories, which is in turn followed by a full account of the abortive constitution of 1778 and an explanation of the cause of its failure. The work concludes with a description of the constitution of 1780.

The most valuable contributions to our historical knowledge are made by the chapters on the work of the Provincial Congress and on the constitution of 1778. The field here worked was fallow and the harvest was great. The student of the subject must hereafter turn to these chapters

for information. The account of the constitution of 1780 is perhaps equally good, but that constitution has already been the subject of much study and comment. As to the chapter devoted to the description of the conflict which led up to the Provincial Congress, readers will measure its relative value by the views which they themselves entertain upon this subject. No person will be tempted to deny the potent instrumentality of the townships in the education of the popular mind with regard to political questions, nor that after the occurrence of an actual collision, there was to be found in these organizations an ultimate government upon an unquestioned legal basis, even if the origin of the Provincial Congress could not be traced in an equally convincing way to an undoubted legal paternity. It may be said, however, that while the author distinctly recognizes the craving for legal methods of procedure which led the colonists, through their county conventions in 1774, to recommend that instructions be given to the delegates to the General Court which would enable them to organize a Provincial Congress, yet he does not seem to give full value to the attempt thus made to secure a semblance of legality for this organization. The fact that this result could not be secured through the towns, and that by means of the county conventions organizations were attained as closely conformable to law as was possible under the circumstances, has been pointed out by Abner C. Goodell, Jr., in a communication to the Colonial Society of Massachusetts, in December, 1893, and the high estimate set by our fathers upon the maintenance of some authority founded upon existing legal organizations is there conclusively shown.

Some difference of opinion will be allowed as to the proper time for beginning the examination of the pre-Revolutionary events which led up to and formed a part of the conflict, and our judgment of individual actions at a later period will be largely influenced by this determination. The early beginning and long continuance of the discussion of the various questions at issue between the royal governors and the legislature, such as the salary question, the proper place for holding the General Court, and numerous others of similar character, many of which are examined by Mr. Cushing, certainly deprive this contest of any element of "theatrical spontaneity," and a rehearsal of these events in greater detail might relieve those who coöperated with Samuel Adams from the charge of "demagogism."

The author himself seems to have been somewhat troubled by the amount of material which he had at hand bearing upon this point, and while recognizing the fact that "in a large measure the history of the colony and of the province was the preparation for the Revolution," he practically confines himself in his preliminary survey to the consideration of the decade before the Revolution. As a matter of fact the contest began under Sir William Phips, with the refusal of the assembly to fix his salary and the negating by the governor of Elisha Cooke as councillor. It was continued with more or less vigor during every successive administration except, perhaps, those of Stoughton and Bellomont.

During this period Massachusetts was, to quote the language of Palfrey, "unquestionably and distinctly a province of the British Crown." With this opinion the author does not seem to agree. He apparently looks upon the provincial government of Massachusetts as a composite government containing elements of a royal province and of a corporate colony. So far as the government was concerned there seems to be no escape from the conclusion of Palfrey. It is true, however, that the people never forgot the privileges that had been enjoyed under the charter of Charles I. and the memory of these privileges unfitted them to a certain extent for the subordination apparently expected under a strict provincial government.

Mr. Cushing says that the council in Massachusetts until the election of Bowdoin was "an instrument of royalty." On the other hand it is known that complaint was made against Governor Belcher because he referred a certain matter to his Council, "a body," it was said, "not composed of appointees of the Crown but of members elected from time to time by the assembly." If one can reconcile the repeated instances in which the Council had sided with the House upon questions of principle with such subserviency as would justify the application of these words by the author, then we might feel that the appointment of the "mandamus councillors" by the Crown was not a material infringement of the charter, and that each side in the discussion which followed their appointment "stood on ground in its own view perfectly defensible." If, however, the conclusion should be reached that the Council had not always been the tool of the governors but had frequently upon important questions acted in an independent and manly way, then the attempt thus to overturn an important feature of the charter may lead us to ask what proceedings it had been thought necessary to institute when the annulment of the charter was desired in the days of Charles I. and again, how, in the time of Charles II., the attempt was renewed and through what agency it was finally accomplished. If the first charter could only be annulled through the courts and if in the days of George I. it was considered necessary to submit an amendment to the Province Charter to the assembly for acceptance, surely important changes in the government could not properly be made in the days of George III. through the agency of parliamentary statutes or royal instructions. It cannot fairly be said that so important an innovation of the charter, effected by means which were not in accordance with the precedent already established, was "perfectly defensible" from any point of view.

While it may be admitted that some of the so-called grievances of the colonists were merely technical in their nature, still the fact remains that untold suffering had been inflicted upon a large body of Massachusetts men through parliamentary legislation, of which it is not too much to say that it was atrocious. When the subscribers to the Land Bank entered upon their operations there was no statute either in the province or in Great Britain which made their proceedings illegal. The opinion of the Board of Trade that a somewhat similar organization in New Hamp-

shire was permissible, was on record. The attorney-general had given an opinion that there was no objection in law to a precisely similar organization. Nevertheless, Parliament suppressed the Land Bank by legislation which was retro-active in character and far-reaching in consequences. One of the directors in that bank was Samuel Adams, the father of the agitator, nor was it strange that the son should be found exercising every power at his command against the encroachments of the Crown. There were a thousand subscribers to the Land Bank, every man of whom had a personal grievance against Parliament; and all of whom had friends who sympathized with them. "The act to destroy the Land Bank scheme," said John Adams, "raised a greater ferment in this province than the Stamp Act did."

A discussion of the subject treated in this book, which does not make use of the materials furnished by the published House Journals from 1715 down to 1775, cannot be considered complete. Within the pages of the journals will be found many samples of special pleadings, smart rejoinders, and cheap attempts at repartee, which will satisfy those who hunt for them, while the steady adherence to certain general principles underlying the main arguments of the House will be grateful to those who see in this preliminary contest something more than an inherent antagonism in a form of government. Here can be found the work of Elisha Cooke, whose mantle fell upon the shoulders of Samuel Adams, and here can be traced the growth of the direct appeals of the representatives to the people for instructions, which made effectual the "extra-constitutional bodies" so fully described by the author. So far as this book is concerned there is no evidence that use has been made of these materials. Nevertheless, as was said at the beginning of this article, methods of treatment and supposed omissions are, in so careful a book, mainly matters of personal opinion. The author has earned the right to be judged by his valuable work as it stands and not by the ideals of others.

ANDREW MCFARLAND DAVIS.

*Taxation and Taxes in the United States under the Internal Revenue System, 1791-1895.* By FREDERICK C. HOWE, Ph.D. (New York: T. Y. Crowell and Co. 1896. Pp. vi, 293.)

In this volume on the history of the internal revenue system of the United States, Mr. Howe has touched a side of American history and finance that has been singularly neglected, and has directed attention to a series of questions that may at any moment be made the subject of practical politics. Whether we regard the internal revenue system on its historical, financial, or practical side it will be found instructive and important. To the student of taxation, our experiences with inland taxation during the Civil War constitute the most remarkable chapter in the history of modern taxation. No other country has ever had a similar experience in so short a space of time. To the student of our history and institutions, no more telling indication of the changes wrought in

our legislative and administrative system by the Civil War exists, than the sudden break that was then made in the traditional revenue policy of the national government. And if we go back to the earlier decades of our history, we find the question of internal taxation exercising quite as deep an influence on party politics and constitutional theories as the bank question or the tariff question. The tariff and the currency have long had their historians, but Dr. Howe's book represents the first attempt, at any rate in English (for we must not forget Von Hock's elaborate study) to deal in a scholarly and exhaustive fashion with the history of internal taxation.

The book divides itself into two parts although the author does not so distinguish them. The introduction and first three chapters, which make up the first part, give the external history of the internal revenue from the first attempts of the Federalists down through the Civil War. In this part of his book Dr. Howe has made it his especial task to develop the relations between internal taxation and politics in our parliamentary history; and rightly, for questions of taxation were not discussed in the light of financial policy by our first two political parties, but rather with reference to their bearing on political and constitutional development. "The position occupied by the custom and internal taxes is but the mirror of opinions prevailing as to the nature of the Union." This is the key-note of the author's treatment. Hamilton's measures for a federal excise—the motives that suggested them, the criticism and opposition they provoked, and, finally, their influence in bringing on the political revolution of 1801 and the downfall of the Federalists—are discussed with fullness of knowledge and judgment. No new material is brought to light here, no new theory of interpretation is advanced, but Dr. Howe has massed the material in such a way as to give more striking significance to the historical inferences it supports. In this respect his treatment is distinctly fresh and interesting.

From a fiscal point of view Hamilton's system was purely tentative. It never developed into an effective or productive resource. And yet it embodied the fundamental principles and outlined the methods that were followed on the revival of internal taxation in 1813 and again in 1862. The taxation of luxuries, chiefly in the forms of spirits and tobacco, this was Hamilton's principle and this is the basis on which our present system rests. (In this connection it would be interesting to know whether Hamilton followed English precedents to the same extent in the shaping of his internal taxes as he did in other parts of his financial system. But this point is not discussed.) With the Civil War the internal revenue system entered on a new and more serious phase of development than would have been thought possible at the beginning of the century. It quickly passed from the domain of theoretical politics to that of practical finance. It had become a fiscal necessity, and the enlarged construction of its powers, to which Congress was rapidly becoming habituated as the war advanced, finally resulted in the development of a system of internal taxes that is without a parallel. The catalogue of all known or tried ex-



pedients was exhausted. Arthur Young's ideal of taxation, that it should bear on an "infinite number of points," was realized; but with results that would have disturbed the great agriculturist's confidence in his maxim. For industry was harassed, commerce dislocated and speculation stimulated by the multiplicity and complexity of taxes. Nor was the internal revenue system productive of much revenue until the last year of the war. Our experience, as Dr. Howe points out, is conclusive that a great and intricate piece of revenue machinery cannot be improvised in the midst of emergency. As it was, the internal revenue system was of service less from any direct relief it afforded to the Treasury than from the support it gave to public credit, thus saving the loan policy of the government from a more disastrous failure.

So much for the first part of the book. The second part is a detailed study of the several taxes that made up the internal revenue system of the Civil War. Separate chapters are given to the direct taxes on land, income and corporations; to taxes on inheritances, sales and transactions; to the direct taxes on consumption and the general excise upon manufactures; to the administration of the system; and to the present situation with respect to revenue. A vast mass of material has been gathered together, carefully sifted and brought to the crucible of criticism. Much of this material was in the rough, but it has been handled with skill and independence. The book is pleasantly free from the compilatory quality so frequently met with in works based largely on public documents. Dr. Howe never casts his material in a mechanical mould and always adapts his treatment to the particular interest attaching to the study of a given tax. Indeed, this part of his work is a study of the different war taxes from the point of view of fiscal and economic expediency. The income tax is studied mainly with reference to its elasticity and productiveness, and its particular value as an emergency tax. The taxes on consumption are studied mainly with reference to the connection between variations of rate and yield, the effort being made to determine the maximum revenue point in the case of the more important revenue commodities. The general excise is exhaustively examined with reference to its economic effects on industry, prices and wages. It is condemned because of its economic harmfulness rather than because of fiscal defects.

If we find something to criticise in these chapters, it is rather a certain deficiency in the author's general knowledge of taxation and the literature of taxation, than any want of familiarity with his immediate subject. There he is always at home. But it would be possible to point out many cases, *e. g.*, his favorable judgment of the "direct" tax as an emergency tax (p. 84), his assumption of the non-transferability of an income tax (p. 94), or his claim to the establishment of a new canon of taxation (p. 145), in which a better acquaintance with the literature of taxation, even the American literature, would have led him to other conclusions or, at any rate, to an expression of some of his present conclusions with greater caution. The only criticism to be made of this part of the work as a whole is the slight attention paid to the legislative his-

tory of the internal revenue system. If Dr. Howe had followed the debates of Congress, he would have had no difficulty in understanding the ready acquiescence of the majority in 1861 in the proposition to establish an income tax.

A. C. MILLER.

*The Middle Period, 1817-1858.* By JOHN W. BURGESS, Ph.D., LL.D., Professor of Political Science and Constitutional Law in Columbia University. [The American History Series.] (New York: Charles Scribner's Sons. 1897. Pp. xvi, 544.)

So the United States, like Europe, has now its Middle Age! The phrase here applies to a period of uncertain destinies when the sentiments of strong nationality and strong particularism struggled together towards a doubtful victory. In the first chapter on "The Nationalization of the old Republican Party" the stage is cleared for the two combatants. National independence was finally won in the war of 1812. Pride in national feeling was universal. The separatism of colonial times and of the Resolutions of '98 was extinguished and all parties and sections evinced a tendency to magnify the offices of the central government, at once the symbol and the organ of nationality. On one side stood Calhoun advocating a national bank, a protective tariff upon manufactures and national appropriations for internal improvements. On another side were heard the acclamations that greeted Jackson's bold performances in Florida or the annexation of the same country by the diplomacy of John Quincy Adams. Then began the reaction towards particularism, devotion to local interests, "states' rights." It was inspired first by slavery in the long struggle over the admission of Missouri. It was entangled with dissensions due to economic interests, in the tariffs of 1824, 1827 and 1828, and it was promoted by those dissensions. The author shows how and why, after the Missouri Compromise, the slave-holding aristocracy began to take refuge in the citadel of "Strict Construction." It may have been King Cotton that, by the mouths of Thomas Cooper and George McDuffie, 1827-1832, first called the Democratic party back to the Jefferson of '98. But it was the slave power that appropriated the doctrine and, after the contest over the abolitionist right of petition, became master of the political force of particularism.

Here begins the historic, continuous duel to which these opening chapters have but furnished the preludes. It is the duel between reaction and progress, between disorganization and centralization, between slavery, upholding a political science of compromises, of sectional interests and of industrial crudeness and dependence, and true democracy seeking to frame a political science consistent with itself, strong in national feeling, intoxicated with "equality" and nurtured amid the leveling influences of the western prairies.

The last two hundred pages of this volume, although divided into ten chapters, are really but a monograph on the acquisition of Texas and the

transmontane territory and the political consequences thereof. Nothing is allowed to interfere with the view of the two great contending forces in the nation. Here, or elsewhere in the book, the reader will look in vain for any account of social changes, of religious movements, of industrial history, or of the wonderful outburst of inventions. This is a history of politics only, and the chapters, each of which is a topical study, follow one another like Euclidean demonstrations. The action is rapid, the narrative at once lucid and forcible, the philosophical comment positive and stimulating. Nowhere else is there, in brief form, so clear and admirable a summary of the influence of the Missouri controversy and of the results of the execution of the Fugitive Slave Law. Of the Dred Scott case, or cases, Professor Burgess presents an original account received by him from Mr. A. C. Crane, of St. Louis, who was a clerk in the office of Roswell M. Field, Scott's counsel. This account agrees in general, though not in minute detail, with the account in Nicolay and Hay's *Lincoln*. The last chapters, on "The Struggle for Kansas," are the most vigorous of all in the book and will provoke most discussion and disagreement.

There are phrases here hot from the anvil. John Brown, termed "the Loki of Kansas 'Free-State' history," is also called robber and murderer. He and his partisans are "cut-throats and highwaymen." His "deeds are not means to anything except the establishment of the reign of hell on earth." (It is unfortunate, by the way, that the master of such vigorous English as this should permit himself to write of the "mental niveau" of an audience or of a "tremendous bouleversement.") It is possible that history will finally award to John Brown neither the violent execration which is here allotted to him, nor the "maudlin adoration" which Professor Burgess justly condemns. The author terms John Brown "a dangerous criminal." Perhaps "dangerous fanatic" would be a safer phrase. John Brown seems to have been a prodigy of religious fanaticism, a Ziska born out of time, or as Professor Spring in his excellent work on Kansas suggests, "a Puritan astray." It is in this character of an enthusiast crazed by a dreadful wrong that the nation finally beheld and accepted him, even in his crimes, as forever marching on.

Towards the abolitionist agitation as a whole, Professor Burgess is very critical and very just, though one may wonder at his unusually lenient, almost exculpatory allusion to the atrocious murder of Lovejoy. Neither does he render full justice, in his account of the assault on Sumner, to the provocations that Sumner had endured from the studied and contemptuous insolence of Southern and Democratic senators. There is, however, in this book but little analysis of individual characters. The author conceives of politics as related to constitutional development and he preserves the tone and manner of a constitutional lawyer. Even Calhoun, who welded together slavery, free-trade and particularism, and who became the oracle of that political philosophy to which Professor Burgess devotes half his space, appears in these pages as little more than a label attached to various exercises in logic and argumentation. There is no

adequate explanation of his flight from the extreme of nationalism to the extreme of particularism, or of the glittering ambitions that filled his sight but mocked his touch. Thurlow Weed seems not to win even a mention, honorable or otherwise. The influence of Martin Van Buren and his associates in the national democracy is hardly accounted for, while Van Buren's master, Jackson, is blasted by a lightning-stroke like this: "He had the fortune to live at a time and in a country when and where high qualifications simply to discharge the duties of an office were beginning to be regarded by the majority of the people as disqualifications for holding the office."

Professor Burgess is so firm a supporter of the sentiment of nationality that he seems to find no occasion for reproach in the story of our westward territorial expansion. The cession of Florida introduces the doctrine that each state has a right to possess its natural boundaries. The territorial extension of the United States to the Rio Grande was, says Professor Burgess, "simply the fulfillment of the moral order of the world." This reasoning may seem less cogent to a Mexican than to a Yankee. The Mexican imbroglio is one of the few events in this period in which the author fails to hold a brief for the other side also. The charge that our government was deliberately mean and unfriendly to a weaker nation deserves a more leisurely and impartial consideration.

No reader of this book should fail to study the preface, which is replete with the strong individuality of the author. He has sought to secure impartiality by avoiding all recent histories of the events that he would describe and all "secondary material" of every description. He has, therefore, presumably woven this history almost exclusively from legislative and Congressional reports and other public documents. In this way, he remarks, "if the facts are twisted by prejudice, . . . they have suffered *only one twist*."

The result is a volume possessing a singular firmness and solidity of argument, strongly philosophical in character and abounding in trenchant criticism. The next and concluding volume in the series, on "The Civil War and Reconstruction," is to be by the same author. If it has the same strong texture that is in the volume before us, there will be good material to sharpen the wits of youthful statesmen. The whole of the great political drama of Slavery and Freedom is nowhere else presented in such clear and succinct form excepting in Woodrow Wilson's *Division and Reunion*, but that excellent little volume is much restricted in size and does not aim at that singleness of purpose which characterizes Professor Burgess's work.

*The Middle Period* is carefully fitted for the use of students with appendices showing the electoral votes and the cabinet officers, a chronology, a good bibliography and an index. There are five maps. There is a small typographical error on page 444, and, on page 53, in the fourteenth line, there is a serious omission of the words "prohibition of" before the phrase "further importations."

CHARLES H. LEVERMORE.

*Southern Statesmen of the Old Régime.* By WILLIAM P. TRENT, M.A., Professor in the University of the South. [Library of Economics and Politics, Vol. XIII.] (New York and Boston : Thomas Y. Crowell and Company. 1897. Pp. xv, 293.)

THE general trend of Mr. Trent's latest work is the same as that of his others ; and therefore a brief consideration of his position may not be out of place. Mr. Trent is one of a few Southern writers who have taken a strictly scientific and independent attitude towards delicate constitutional and political questions, and, what is more striking, who have arrived at conclusions diametrically opposed to the orthodox views of their section. This characteristic alone would have given him notoriety, even if his work had lacked intrinsic merit ; and certainly it explains in part the peculiar reputation he enjoys. Mr. Trent's attitude in the book under review merits nothing but commendation ; but it would have been in better taste for him to let his work evidence his attitude and to avoid any specific expression of his determination not to be turned from his conclusions "by unstinted personal abuse."

This volume is a collection of lectures which were delivered before the University of Wisconsin, at Madison, in 1896. The lecture form is retained, and no substantial changes have been made. Mr. Trent's object, as he tells us, was to state in a broad and general way what sort of men Washington and Jefferson and Randolph and Calhoun and Stephens and Toombs and Davis were, what they have stood for in our history, how they are to be ranked as statesmen, and why and how far their memories are to be honored and respected ; and to do this in a way sufficiently popular to interest readers who might be repelled by formal histories and biographies. He protests that he is not a specialist, and that he does not undertake primarily to add to our knowledge of facts. He does claim, however, to have emphasized more strongly than any one else has done certain characteristics of his subjects, and to have treated Jefferson Davis more fairly than he has been treated by most historians. He approaches his task "from the point of view of an American who is at the same time a Southerner, proud enough of his section to admit its faults, and yet to proclaim its essential greatness."

Washington, Jefferson, Randolph, Calhoun, Stephens, Toombs, and Jefferson Davis are the men whom Mr. Trent selected as representatives of the Old Régime. Mr. Trent forestalls criticism of this selection. It is to be regretted that Marshall and Madison are not included, and, it might be added, that Randolph was not omitted. All that Mr. Trent says of the last only emphasizes more strongly his striking lack of the essential qualities of a statesman. Mr. Madison is too little appreciated to-day ; and it is unfortunate that Mr. Trent should have dismissed him with the statement that "he is in many respects simply a follower of Jefferson." It is especially desirable that Marshall should be kept before Southern people. They are too apt to forget that there were men in the South who took the national view of the Union. It occurs to very few that

most of the great popular heroes of the South may be appealed to in support of theories at variance with the orthodox Southern theory of the nature of the Union. Certainly Washington, Jackson and Marshall may be mentioned; and even Patrick Henry and James Madison. And it is overlooked that the first official refutation of the Southern theory was over the signature of a Southerner, President Jackson, and over the counter-signature of another Southerner, Edward Livingston. It is high time that more attention should be paid to the considerable minority, of which these men are types.

The view that Mr. Trent presents of Washington, Jefferson, and Randolph is substantially that unfolded in the "American Statesmen" series; the view of Calhoun, that set forth in Von Holst's works. They are in short the accepted views. What he has to say of Stephens and Toombs and Davis will be new to many of his readers and interesting to all. On the whole, only a slight addition is made to our historical knowledge. Of the seven lectures, that on Calhoun is the most satisfactory and the strongest; that on Washington is open to more criticism than any other. It is marred by extravagant assertion and strained comparisons. Mr. Trent fails in his primary object of arousing genuine enthusiasm for his hero. His presentation suffers in this respect in comparison with that of Mr. Lodge or with that of Mr. Woodrow Wilson. Chapter VI. of Vol. I. and Chapters I. and VII. of Vol. II. of Lodge's *Washington* would be more successful in accomplishing Mr. Trent's object than his own lecture. His characterization of Jefferson is very happy at times. His style enables him to set forth Jefferson's subtle qualities very aptly. But he cannot be said to give a well-rounded view of any of his characters.—Judge Huger's name appears on page 189 as "Hager."

DAVID F. HOUSTON.

*The Nicaragua Canal and the Monroe Doctrine.* A Political History of Isthmus Transit, with special reference to the Nicaragua Canal Project and the Attitude of the United States Government thereto. By LINDLEY MILLER KEASBEY, Ph.D., R.P.D., Associate Professor of Political Science, Bryn Mawr College. (New York: G. P. Putnam's Sons. 1896. Pp. xv, 622.)

THE voluminous title of this book fails to do justice to the extent and variety of its contents. It begins with an introduction, in which the physical features of all the routes across the Central American isthmus, from Tehuantepec to Darien, are described. This is followed by "Part One—The Mercantile Period and the Absolute Monarchy—The Canal Project a Royal Monopoly." The author here touches on the economic conditions of Greece and Rome, traces the development of Europe through the first fifteen centuries of the Christian era, gives some account of the Portuguese navigators, and so by easy stages arrives at the discovery of America. Next comes in due course a brief historical sketch of Central America, and an account of the various crude suggestions of a canal

which were put forward at various times beginning with the reign of Philip II.

Part Two deals with what the author is pleased to call "The Period of Liberalism and Individual Initiative," which, it appears, ended in 1865. This part of the book gives a short account of the origin of the Monroe Doctrine and a tolerably comprehensive history of the diplomatic dealings of the United States and Great Britain in reference to the Central American States. In treating of our foreign policy during this period Professor Keasbey becomes particularly forcible. The imbecility, if not treachery, of the American representatives is exhibited in vivid contrast with the sleepless energy and the almost Satanic cleverness which would appear to be habitual among British officials. Even John Quincy Adams, who is neatly described as the "instigator" of the Monroe Doctrine, does not escape censure for his "woeful lack of foresight," and for reducing the Monroe Doctrine to a mere phrase. There is not the least doubt in Professor Keasbey's mind that we ought to have intervened forcibly in the quarrels between the Central American States and Great Britain, and that we ought to have prepared for the "inevitable explosion." Therefore Polk, having omitted a "signal opportunity of asserting the Monroe Doctrine," is charged with pusillanimity and culpable negligence. Clayton, it seems, began with a virtual concession of British rights and a "betrayal of our claims;" and ended by eagerly accepting all of Sir Henry Bulwer's suggestions and by concealing from the President and the Senate matters of the most vital consequence. And Buchanan, we are told, "walked squarely" into a trap laid by Lord Napier, and "handed our case over into British hands."

The third part of the book treats of the period from 1865 to 1896. Some account is given of the numerous surveys of the isthmus executed by officers of the United States government; of the rise and fall of the French enterprise at Panama; of the correspondence relative to the Clayton-Bulwer Treaty, conducted by Secretaries Blaine and Frelinghuysen; and of the many unsuccessful attempts to put the construction of a Nicaragua Canal on a sound financial basis. Recent events at Bluefields are also related with sufficient fullness.

The fourth part of the book is in its nature prophetic. It is entitled "Probabilities and Possibilities of the Future—The Canal a National American Undertaking." The author, while betraying no diffidence as to his powers to forecast the political future, frankly admits that it is beyond his abilities to estimate the commercial effects of an inter-oceanic canal. He then cheerfully proceeds to devote many long pages, and several diagrams, to a "method of inquiry" which leads him to the conclusion that a canal on the Nicaragua route would infallibly stimulate our foreign commerce. His argument seems to be based on the notion that the element of distance is the only important factor in determining success in the competitions of international trade. Such circumstances as our own tariff policy, our shipping laws, future economies in railway transportation, possible extension of railway lines south of Mexico, are



all apparently ignored. We say "apparently" because it is not possible to speak with certainty as to the author's views on these points, or to be ever quite sure what he means. There is much handsome eloquence about "undercurrents of commerce" and breakers rising to their crest, but it fails to enlighten us.

The military and political problems to which a canal across Nicaragua would give rise are treated in a manner equally unsatisfactory. Professor Keasbey seems to believe that if a canal is ever built, the United States ought to insist on exercising an effectual control over it, and it is no doubt probable that the imperative interests of this country would, sooner or later, compel us to take and keep military possession of such a canal. We too should thus end by having our Egypt, our Gibraltar and Malta, our Cyprus and Aden. How far-reaching would be the result of embarking in such enterprises, how deeply they would affect our foreign policy and the very framework of our government, how enormous would be the cost in the needful additions to our army and our fleet—are matters well worthy of serious consideration; but they are matters not touched upon in the work under review. There are instead some remarks about "the machinations of our British rival," and "a vital struggle brewing for supremacy;" and there is a fling at international arbitration.

The book may serve as a convenient summary of events. It also contains useful references to some of the authorities. But its political and economic discussions are valueless, and there is a deplorable lack of historical insight. Defects of style are conspicuous. The language is often obscure, and the text abounds in trivial vulgarisms. Numerous errors in the spelling of French and Spanish words add to the disagreeable impression produced by these pages.

G. L. RIVES.

Mr. H. O. Taylor's *Ancient Ideals* is a very serious and earnest attempt to write—hardly the philosophy of ancient history, but the history of the ancient world philosophically considered. It is an attempt to interpret the history of the leading peoples of antiquity through their national ideals, not limiting the term to æsthetic or philosophical ideals, but including the political and distinctly practical. Or in other words, it is an attempt to answer the questions, how did each race conceive of life and how did its endeavor to realize this conception shape its history. Such an attempt manifestly lends itself to theorizing and to assertions which, like all those of a speculative character, admit of no proof. Mr. Taylor has not escaped this danger. His book is written on the basis of careful and extensive study, and it has much to offer the historical student, mainly in the way of interpretative suggestion. But it was written under the influence of certain preconceptions, as every such book is sure to be written until the ideally objective historian arises. The special thesis of the book is "the final universality of Christianity." All the special, distinctive "ideals" of the ancient peoples are taken up in a perfect and

divine synthesis in Christianity. This thesis dominates the author's study of all the details, whether they are religious, literary or political. The book really gives us, therefore, only a single side of history. A comparison of Mr. Taylor's treatment of Roman history with that of Mr. Brooks Adams in his *Law of Civilization and Decay* gives interesting results. If one did not know the fact beforehand, it would hardly be possible to arrive at the conclusion that the two authors were attempting to interpret to us the same history, so entirely different are the two sides of it which they study. A measure of truth is with both, the whole truth is with neither. We shall have to wait a little longer for some one to give us the whole pattern of history. Meanwhile the books are of value which make an earnest and scholarly attempt to trace a single thread or to study a single color.

In his *History of Ancient Peoples* (New York, Putnam's Sons, pp. 541), Professor Willis Boughton seeks to bring together in a single volume the information relating to ancient times which first appeared in the various volumes of the *Story of the Nations* series, and to improve on it by additions of material from other writers. The book is, therefore, an abridgment and condensation of second-hand material, and its value is corresponding. That a professor of English literature should have undertaken this task shows that he was inspired more by the missionary impulse than by sound judgment. While there have been some good books published in the *Story of the Nations* series, others are already hopelessly out of date, and some of the latter have been employed by Professor Boughton. The result is unfortunate. The amount and variety of inaccurate statement contained in the book make it utterly untrustworthy. The specialist may smile when he sees the "great commercial house of Jacob and Sons" paraded again among the spoils of modern archaeological research, and reads that "the northern Semitic group includes the older dialects, such as Hunyatic (!), Sabaeen and Old Ethiopian," and learns that Merodach-Baladan "visited Hezekiah, who received him cordially," and discovers that Abraham did not remain at Haran, "just south of Damascus," and finds the "cuneiform inscription" on page 19 upside down, etc., etc. But he must needs mingle his enjoyment with some regrets on behalf of "the class-room and the reading-circle" for which this book has been prepared. A pretentious list of authorities covering four pages and made up of books of very varying importance, omits the two greatest works with which the subject of this book is concerned, viz., Duncker's and Meyer's histories of antiquity, though it does contain Allen's *History of Civilization*! Though the book seems to have been prepared with the assistance of a college president "who has diligently read all the recent German, French and Italian works on ancient history, and who has employed his extensive historic and philologic knowledge in the revision of this work in manuscript," so slovenly a piece of work in this field has seldom received the imprint of a high-class publishing house.

G. S. G.

Edmond Stapfer, of the Faculty of Protestant Theology in Paris, widely esteemed for his works on Palestinian life in the first century, has completed two or three volumes dealing in popular style with the person, authority and ministry of Christ. An excellent English version is the work of Louise Seymour Houghton (*Jesus Christ Before His Ministry*, 1896, pp. 181, *Jesus Christ During His Ministry*, 1897, pp. 265, Scribner). The purposes of an historical narrative predominate and the work has admirable qualities. On the basis of very searching inquiry, the author offers his positive version of the life and aims of Jesus with only a slight occasional reference to the criticism which yields these results. The methods of the cautious critical historian are here used by a man of restrained but ardent religious passion and the exposition wins favor by a simple and graceful style. In spirit the work is a coalescence of Renan and Vinet, a blending of scientific conscience, sympathetic intuition, and apologetic conviction. The outcome is harmonious neither with theological orthodoxy nor with radical criticism.

Any dissatisfaction with the book among historical inquirers will rest chiefly with Stapfer's borrowings from the Fourth Gospel. This source is recognized as not purely historical, but yet of secondary value as from the associate of an apostle and entitled to correct certain errors and deficiencies of the first three gospels. Without arguing the detailed questions of incident and chronology, we may hold that the picture of Jesus in the Synoptics will not coalesce with that of the Fourth Gospel, and that the present skillful effort results only in a portraiture which departs from both sources without offering a solution of their discrepancies. The personal Messianic claim of Jesus, the insistence upon his personality as offering a test of allegiance, is brought into the foreground; but this is surely the very peculiarity of the Fourth Gospel which in comparison with the others marks it as a theological presentation. With this main exception all classes of readers will find this a judicious and delightful work.

F. A. C.

In his second volume, covering the presidency of MacMahon (Paris, Félix Alcan, 1897, pp. xii, 549), M. E. Zévort has produced a more satisfactory piece of work than the first volume of his *Histoire de la Troisième République*. Proportions are better observed, and no subjects of importance are omitted or slightly passed over, as was the case in the preceding volume. Attention may specially be called to the portions dealing with the enactment of the constitutional laws of 1875; the unusual ministerial conditions, exceptionally unsettled even for France, between December, 1876, and December, 1877; and the resignation of MacMahon in January, 1879. The last two—the so-called “sixteenth of May,” 1877, and MacMahon's resignation less than two years later—are amongst the half-dozen or dozen episodes in recent French history which specially illumine the workings of cabinet government as a borrowed institution, in one country at least, and which might, furthermore, serve as a valuable corrective to the conclusions of American enthusiasts

who have studied the system only as it works in England. The author very neatly sums up these six years of MacMahon's presidency as being, of all the governments of France, the weakest and most irresolute in internal affairs and the most peaceful in foreign relations. An appendix of a hundred pages contains the constitutional and organic laws of 1875, several notable political speeches, and other documents of interest.

C. F. A. C.

The eighth volume of Mr. Paul L. Ford's new edition of the *Writings of Thomas Jefferson* comprises his correspondence, with certain other papers, from his inauguration in March, 1801, to the end of the year 1808. How great an amount of new matter it contains may be seen from the fact that of the 220 letters which are printed in this volume, only sixty-nine are to be found in the corresponding section of the Congressional edition of Jefferson's *Writings*. On the other hand, the old edition contained some seventy which are not to be found in the present volume. The most interesting new matters in this volume are the pieces relating to Jefferson's inaugural addresses and annual messages (his drafts and the comments of Madison and Gallatin), his various letters and memoranda respecting the proposed constitutional amendment intended to legalize the acquisition of Louisiana, and a series of letters which exhibit him as looking out with anxious friendliness to provide a succession of public offices, as nearly sinecures as possible, for his old friend John Page.

The Southern History Association begins its quarterly *Publications* (Vol. I., No. 1) with its January issue, of 88 pages. An account of the organization of the association is given, followed by an interesting and valuable survey of the present state and prospects of historical studies in the South by Dr. Stephen B. Weeks. It exhibits the historical work recently done by the Southern states, colleges and historical societies,—a notable record on the whole. The lack of extensive historical libraries is plainly the chief hindrance. Dr. Weeks emphasizes the need of better and fuller bibliographies, and the importance of publishing documentary materials rather than more essays. Mr. T. L. Cole presents a first installment, dealing with Alabama, of an elaborate bibliography of the statute law of the Southern states. Aside from the "Current Notes" of historical publication and progress and the excellent contributions already mentioned, the other contents of this first number call for no remark. The new journal is well printed and carefully edited. Its possibilities are manifest to anyone who thoughtfully surveys the Southern field. Its scientific importance remains, naturally, to be established by the future numbers. A scientific intention and spirit on the part of its chief promoters is, at any rate, already evident.

In No. 2 the most important pieces are a journal of a removal from Virginia to Alabama in 1818, and a series of extracts from the journal of the Moravian bishop Spangenberg concerning his travels in North Carolina in 1752. Mr. Cole continues, with Arkansas.

Dr. Douglas Brymner's *Report on Canadian Archives* for 1896 (pp. xxxiii, 87, 252, 79), is chiefly occupied with a calendar of state papers of Lower Canada and Upper Canada from 1813 to 1818. Dr. Brymner also prints *in extenso* a number of letters relating to events preceding the war of 1812. The letters of John Henry to Mr. H. W. Ryland and to Sir James Craig are here, we believe, for the first time printed in complete form. The comparison of these letters actually sent with the copies which Henry sold to Mr. Madison brings out several points of curious interest. Henry garbled his letters very extensively before selling them. The originals contain many expressions unfavorable to the Democrats, which are suppressed in the copies sold to the American government; but they contain no more substantial evidence of Federalist treason than the versions which were sold. The letters to Ryland relate to a visit to Boston in 1808, but the batch sold to Madison relate solely to Henry's mission of the next year, as reported to Craig.

The Government Printing Office has issued the third and fourth volumes of the *Report and Accompanying Papers of the Commission appointed by the President of the United States "to investigate and report upon the true divisional Line between the Republic of Venezuela and British Guiana."* Vol. III. (pp. 517) consists of a group of geographical reports and contributions by the secretary of the Commission and three experts whose aid it invoked. A report on the maps of the Orinoco-Esequibo region, made to the Commission early in the course of its deliberations, by Dr. Justin Winsor, is general in its nature. As the maps pertinent to the investigation are of two classes, those bearing an official character and those published by geographers, two elaborate and scholarly essays deal with these. Professor George L. Burr reports at length on the official maps encountered by him during his researches in European archives, and on others of the same class which came before the Commission; the secretary of the Commission, Mr. Mallet-Provost, on the cartographical testimony of geographers. The remainder of the volume,—more than half,—has been prepared by Mr. Marcus Baker, a professional geographer of the United States Geological Survey. He presents a series of Notes on the Geography of the Orinoco-Esequibo Region, and an elaborate bibliographical list of maps of that region. His original object was to make an exhaustive compilation of all the accessible geographical facts relating to the disputed area, and a complete list of maps. But the suspension of the work of the Commission upon the conclusion of the arbitration treaty between England and Venezuela suspended also his work, the results of which are therefore here presented in the form of what he prefers to call notes. Vol. IV. consists of an atlas, wherein are contained 76 well-executed maps. Of these, three show the physical geography of the disputed region. Twelve are drawn especially to illustrate the historical and diplomatic questions discussed in the previous volumes of the report. The remaining 61 are reproductions of maps, published and unpublished, of all periods from 1538 to 1875, which have

an individual importance to the objects which the Commission had before it. The first two volumes, which are to be historical in character, are expected to appear shortly. We shall notice them upon their appearance: meanwhile it is sufficient to say that never in the history of diplomacy, probably, has a boundary dispute been illustrated by a more thorough, penetrating, ingenious and impartial historical investigation than that which Professor Burr has devoted to this problem.

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Governors (East Jersey, West Jersey, New Jersey, 1665-1897), Secretaries (1776-1897), Treasurers (1776-1897), Adjutants- and Quartermasters-General (1776-1897), Attorneys-General (1704-1897): in T. F. Fitzgerald's *Manual of the Legislature of New Jersey*, 1897.

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Vice-Presidents of the Council and Speakers of the House (1776-1844): in *Manual of the Legislature of New Jersey*.

Senators, Presidents and Clerks of the Senate, Members, Speakers and Clerks of the House (1845-1897): *ibid*.

Members of the Convention of 1844 and of the Commissions of 1873 and 1894: *ibid*.

Judges, Chancellors and Clerks (1704-1897): *ibid*.

U. S. Senators and Congressmen from New Jersey (1774-1897), and Officers of U. S. Courts in New Jersey: *ibid*.

Members of the Convention of 1787: in *Journal*, reprint, 1888.

#### PENNSYLVANIA.

Governors: in Smull's *Legislative Handbook and Manual of the State of Pennsylvania*, 1897; in Martin's *Bench and Bar of Philadelphia*, 1883; (1624-1776) in *Pennsylvania Archives*, 2d ser., IX. 603-639; (Presidents, 1776-1790) in *Pennsylvania Archives*, 2d ser., III. Lieutenant-governors (1875-1897); in Smull's *Legislative Handbook*, 1897.

Secretaries, Treasurers, Auditors-General, Attorneys-General, Adjutants-General: in Martin's *Bench and Bar of Philadelphia*; (1614-1776) in *Pennsylvania Archives*, 2d ser., IX.; (1776-1790) in *Pennsylvania*

*nia Archives*, 2d ser., III. ; (1777 or 1793 to 1897) in Smull's *Legislative Handbook*, 1897.

Officers of the Land Department (1681-1897): in Smull's *Legislative Handbook*, 1897.

Members of the Council: in Martin's *Bench and Bar of Philadelphia*; (1681-1776) in *Pennsylvania Archives*, 2d ser., IX. ; (1776-1790) in *Pennsylvania Archives*, 2d ser., III.

Speakers of the Senate (1791-1875) and Presidents of the Senate (1875-1897): in Martin's *Bench and Bar*; and in Smull's *Handbook*.

Senators (1860-1897): in Smull's *Legislative Handbook*.

Speakers of the Assembly: in Martin's *Bench and Bar*; (1681-1776) in *Pennsylvania Archives*, 2d ser., IX. ; (1776-1790) *ibid.*, III. ; (1791-1897) in Smull's *Legislative Handbook*.

Members of the Assembly: (1681-1776) in *Pennsylvania Archives*, 2d ser., IX. ; (1860-1897) in Smull's *Legislative Handbook*.

Censors, Members of Provincial Conventions and Conferences and Committees and Councils of Safety (1776-1790): in *Pennsylvania Archives*, 2d ser., III.

Members of the Convention of 1787: in McMaster and Stone's *Pennsylvania and the Constitution*, pp. 212, 213.

Judges and other Officers of the various Courts: in Martin's *Bench and Bar*; (1681-1776) in *Pennsylvania Archives*, 2d ser., IX. ; (1776-1790) *ibid.*, III. ; (Judges of Supreme Court) in Smull's *Handbook*.

Members of the Continental Congress, U. S. Senators and Representatives: in Smull's *Legislative Handbook*.

Officers of Philadelphia (municipal, customs, post-office): in Martin's *Bench and Bar*.

County Officers (1681-1790): in *Pennsylvania Archives*, 2d ser., IX., III.

#### DELAWARE.

Officers of the Colonies on the Delaware (1614-1681): in *Pennsylvania Archives*, 2d ser., IX. 603-617.

Officers (general and county) of the Three Lower Counties (1681-1776): in *Pennsylvania Archives*, 2d ser., IX. 641-669.

Members of Assembly (1682-1701): *ibid.*

#### MARYLAND.

Proprietors, Governors, Secretaries, Treasurers, etc.: in Scharf's *History of Maryland*, III. 749-779.

Judges, general and county, and Members of Constitutional Conventions: *ibid.*

Members of the Convention of 1788: in Scharf, II. 543, 546.

Members of the Continental Congress, U. S. Senators, Presidential Electors: in Scharf, III. 749-779.

#### VIRGINIA.

Governors and Presidents (1607-1897): in *Manual of the Senate and House of Delegates of Virginia*; and in Howison's *History of Virginia*, I. xv.

- Officers (1680-99, 1701, 1714): in *Virginia Magazine*, I. 225-252, 361-377, II. 1-15.
- Members of the House of Burgesses: (1619) in *Journal*; (1624-1666) in Henning's *Statutes at Large*, I., II.; (1692-93) in *William and Mary College Quarterly*, October, 1896; (1718, 1723, 1726, 1736) in Maxwell's *Virginia Historical Register*; (1748) in Burk's *History of Virginia*, III. 133; (1752) in *Virginia Magazine*, October, 1895; (1758) in Burk, III. 223; (1765) in Henry's *Patrick Henry*, II. 646, 647; (1766-1774) in *Virginia Magazine*, April, 1897.
- Members of the Convention of 1776: in Grigsby's *Convention of 1776*, pp. 205, 206.
- Members of the Convention of 1788: in *Collections of the Virginia Historical Society*, X. (Grigsby, II.) 365-368.
- County Committees of 1774-1775: in *William and Mary College Quarterly*, October, 1896.

## NORTH CAROLINA.

- Governors, Secretaries, Treasurers, Comptrollers: (1776-1851) in Wheeler's *Historical Sketches of North Carolina*, 1851; (to 1873) in Wheeler's *Legislative Manual*, 1874; and in L. L. Polk's *Handbook*, 1879.
- Members of the Senate and House of Commons (1777-1851): in Wheeler's *Historical Sketches*, Vol. II.; of the Provincial Congress of 1774 in Vol. I.
- Judges and Attorneys-general (from 1777): in Wheeler's two books above mentioned.
- Members of the Convention of 1776, of the Continental Congress, U. S. Senate and House of Representatives: in Wheeler's *Historical Sketches*; in Wheeler's *Legislative Manual*, 1874; and in Polk's *Handbook*, 1879.

## SOUTH CAROLINA.

- Governors and Presidents: in *Charleston Year-Book*, 1884, pp. 335-337; and in *Johns Hopkins University Studies in Historical and Political Science*, XIII. 320, 321.
- Attorneys-general, Solicitors and U. S. District Attorneys: in O'Neill's *Bench and Bar of South Carolina*, II. 597-599; (Attorneys-general, imperfect) in *Statutes at Large of South Carolina*, I.
- Judges (1698-1858): in O'Neill's *Bench and Bar of South Carolina*, II. 597-599; and in *Charleston Year Book*, 1885, pp. 319-330.
- U. S. Senators and Representatives (1789-1887): in *Charleston Year-Book*, 1884, pp. 338-349.
- Officers of Charleston (1783-1882): in *Charleston Year-Book*, 1881.
- Members of the Convention of 1788: in Elliot's *Debates* (1836), IV. 322-324.

## GEORGIA.

- Governors (1732-1840): in *Collections of the Georgia Historical Society*, I. 306, 307.



Judges ( Superior Court 1790-1857, Supreme Court 1845-1857, Solicitors): in Miller's *Bench and Bar of Georgia*, II. 369-378.

## 2. *The Transliteration of Russian Names.*

Of all the names that confront the student of European history none are more puzzling to the eye and ear than those of the Russians, and it was with considerable reason that the humorist gave as his rule for pronouncing Russian names—"sneeze twice and say *ski*!" The names are difficult enough in many instances when pronounced by the facile-tongued subjects of the Tsar, but when their fantastic forms meet English eyes after more or less illogical transliterations into Polish, German and French the confusion and dissonance are such as to demand some alleviation.

Fortunately for such an attempt but few conventional forms obstruct the way. The former capital of Russia is by her citizens called Moskva, and as the Slavonic *v* is a compromise between *w* and *v*, the early German traders of the Hansa towns by a transposition called it Moskau. To reproduce the sound of the German name Englishmen used the spelling Moscow, the last syllable of which was pronounced like the name of the domestic animal similarly spelled. It would be absurd, of course, to change the orthography of a name so conventionalized, but such instances are not numerous. The bulk of Russian proper names have a multiplicity of forms which historical writers have hitherto used with little or no attempt at uniformity, a fact of particular annoyance to a student consulting an index or a catalogue. It may be fairly assumed that no prejudice in favor of established usage—since there is no established usage—will meet an attempt to sketch the lines of a simple, rational and uniform system of transliteration.

The Russian language is a difficult one, of that there is no doubt; Gorchákov easily checked Bismarck's attempt to introduce German as the diplomatic language by informing the chancellor that he might write to the ministry at St. Petersburg in German if he desired, but that he must expect replies in Russian. But if Russian names look particularly formidable in their French or German dress, note also how unrecognizable are English words which have undergone the same process. The truth is that we have many sounds in common with the Russians which the French and Germans can only approximate by awkward combinations of characters. In such cases as this it is obviously absurd to keep the various clumsy borrowed forms instead of taking simple ones directly from the source. Take, for example, the name of the Russian composer; why should we write him Tschaikowski with the Germans, or Tchaïkoffsky with the French, when Chaïkovski exactly transliterates the Russian? How can one with any facility consult an index when he may expect to find the well-known Russian statesman burdened with the name Schuwalow if the author indexed has used chiefly German sources, or Chouwaloff if French authorities are responsible for his information, whereas

a Russian, were he to use the English alphabet, would write it Shuvalov. It is not at all surprising that the name of the greatest of Russian generals is unintelligibly pronounced when it appears as Suwarow or Souworoff instead of Suvórov. Indeed the sympathies of the writer and the authorities he has used, whether German or French, may be detected by noting whether he has used the German or the French forms of transliteration. The Polish language, which is very similar to the Russian in many respects, uses the Roman alphabet but gives to the letters sounds very different from those which they represent in other languages. In this way it has been responsible for a few of our illogical spellings, as for example the word Czar, which should be written Tsar.

It is possible without any reference to Russian characters, but simply by a comparison of French and German forms, to formulate a simple and useful if not entirely complete canon of transliteration and pronunciation. As to accent, the majority of Russian names, especially those ending in *-or*, *-ski*, or *-vich*, have the stress on the penult; thus Románov, Dolgorúki, Turgénev, Danilévski, Tsarévich. The feminine form of the ending *-or* is *-ova*; of *-ski*, *-ska*; and of *-vich* (meaning *son of*) *-vna*. The son of Peter Tuberovski would be called, for example, Ivan Petróvich Tuberovski, while his daughter might have the name Anna Petróvna Tuberovska.

For a canon of transliteration it will perhaps be simplest to mention various English letters or combinations of letters and the French and German forms which should be replaced by them. The changes chiefly to be observed are as follows:

*Ch* should replace the German *tsch* and the French *tch*, as Gorchákov.

*G* is always hard; where the French are obliged to write *gu* on this account they should not be copied, as Turgénev.

For *kh* German writers use *sch*, which is much too guttural to represent correctly the Russian, writing Astrachan for Astrákhán.

*S* and *z* have their exact equivalents in Russian, but German and French scholars frequently use *s* for the latter and *ss* for the former, writing Wassili for Vasilí, and Rasumowski or Rasoumoffsky for Razumovski.

*Sh* should be used for the German *sch* and the French *ch*, as Dashkov.

For *ts* the Germans write *z*.

*V* correctly transliterates the third letter of the Russian alphabet, which French and German writers have variously represented by *w* and *ff*, e. g., Vorontsov. To be sure *ff* at the end of a word more correctly approximates the Russian pronunciation, but for the sake of uniformity it is much better to use *v* in all cases, and this usage has been adopted by the authorities of the British Museum. The Russian character for this letter is В and to this was due the mistake by which Sevastópol was formerly written Sebastopol.

*Zh* should be used where the French use *j*, so Nizhni Novgorod.

The vowels *e* and *i* must be retained as in the French and German with their continental pronunciation (*e*=*ä* and *i*=*é*); but *i* (German *j* and French *y* in some cases) standing before a vowel

has its force as a consonant. In Russian these combinations are expressed by single characters and we take our transliteration from the Polish; thus *Diebich* has two syllables, and *Paskiévich* has three. *Y* however may be used at the beginning of a word instead of *I*, as in *Yermólow*.

For *u*, pronounced *oo* when not preceded by *i*, the French use *ou*, writing *Zouboff* for *Zubov*.

Scarcely less puzzling are Polish names, which are apparently unpronounceable and labor under the additional disadvantage of not being subject to transliteration. This is due to the fact that since Roman characters are used Polish names have naturally been adopted without change of spelling, although many of these characters represent sounds entirely different from those for which they are used in English. A mention of some of these peculiarities will perhaps be useful in showing the similarity between Polish and Russian names and in rendering somewhat easier their pronunciation. Following are a few of the Polish characters and their English equivalents:

*c=ts*; *ch=h*; *cz=ch*; *ia=yah*; *ie=yä*; *sz=sh*; and *w=v*.

The following names will serve to illustrate the peculiar uses of the letters here mentioned: *Chlopicki* (*Hlopitski*), *Czartoryski* (*Chartoriski*), *Sienkiewicz* (*Sienkiévich*), and *Paderewski* (*Paderevski*).

The object of this brief outline of Russian-English transliteration has been to be of service to those who have occasion to use Russian names but are not acquainted with the Russian language. Elaborate treatment of the vowel-changes and the hardening and softening of consonants peculiar to Slavonic languages has not been attempted, but only those things have been noted which seemed of value for practical use; and it is in the hope that some advance may be made towards uniformity and simplicity in the spelling of Russian proper names in historical works that this article is written.

JEROME BARKER LANDFIELD.

## NOTES AND NEWS

The Duke of Aumâle, who might not unfitly be called the first citizen of France, died on May 7, at the age of seventy-five. Born in 1822, he was the fourth son of Louis Philippe. After the exile of the family, he began in England the series of his historical works, with two monographs on the captivity of King John of France and on the siege of Alesia respectively. His great work, his *Histoire des Princes de Condé pendant le XVI<sup>e</sup> et le XVII<sup>e</sup> Siècles*, was begun in exile. Its first volume could not be published in France till 1869. Seven volumes have been published, of which the last five relate to the Great Condé. The seventh, published last year, was noticed on pp. 141-143 of this volume. The Duke became a member of the Académie Française in 1871, when his return to France was permitted. He resided thenceforth at Chantilly, except during a second period of exile under the present republic. He was widely esteemed as a scholar and as a man of noble character.

Homersham Cox, barrister and mathematician, and author of *Antient Parliamentary Elections*, 1868, and of a *History of the Reform Bills of 1866-1867*, died on March 10, aged 75.

The Rev. Nicholas Pocock, contributor of many valuable articles on English ecclesiastical history to the *English Historical Review*, died on March 4, aged 83.

Konstantin Bestushev-Riumin, Russian historian, died on January 15, aged 67. His chief work was his critical history of Russia, in two volumes, extending to the end of the sixteenth century; it has been translated into German.

Mr. A. Lawrence Lowell has been appointed a lecturer in the department of history and government at Harvard University; Professor O. H. Richardson, of Drury College, has been called to Yale University.

Among offers of prizes which may possibly be tempting to American scholars we note: that of the Belgian Royal Academy for 1897, for an essay on religion and worship in ancient Crete; for 1898, for a critical study of the lives of the saints of the Carolingian period; that of the Rubenow-Stiftung in Greifswald, for 1901 (2000 marks), for a history of public opinion in Prussia and especially in Berlin from 1795 to 1806; the king of the Belgians' prize of 25,000 francs, for 1901, for a military history of Belgium from Roman times; and that for 1900 (1000 marks) on the part of the Fürstlich Jablonowski'sche Gesellschaft, for a study of the social and legal condition of artisans and the economic organization of industry in ancient Greece. The Academy of Inscriptions and Belles-Lettres announces, among the subjects for the Prix Bordin for

1899, a study of the sources of the Golden Legend of Jacobus de Voragine. The Academy of the Moral and Political Sciences announces, for 1899, among other themes, the history of liberty of conscience and of worship in France from the accession of Henry IV. to 1830; and the relations between the colonial policy and the European policy of France from the treaty of Utrecht to 1789. The International Association for the Study of Comparative Jurisprudence and Political Economy, which has its headquarters at Berlin, offers a prize of 1600 marks for the best essay presenting a comparative study of the principles followed, in the colonies of the principal states, in the acquisition of land and in colonizing it, and of the results of the same.

The *Jahresbericht für die Geschichtswissenschaft* for 1895 (Berlin, R. Gärtner, pp. 1252) appears with the name of the new editor, Dr. Ernst Berner. The chapters essential to the complete scheme of the *Jahresberichte* are nearly all present in this volume, the only important exceptions being those on medieval England, Russia, and encyclopædia and methodology.

The *Revue Internationale des Archives, des Bibliothèques et des Musées* ends its useful existence with its ninth number. M. Henri Stein announces that in its stead he will publish (38 rue Gay-Lussac, Paris) *Le Bibliographe Moderne, Courrier international des Archives et des Bibliothèques*, intended to occupy the first two of the three fields covered by its predecessor. The periodical will appear once in two months, and the price in this country will be 12.50 francs. The first number (January-February, pp. 64) contains an account of the new organization of the national archives at Paris, and many items of news interesting to students of history.

The trustees of the Boston Public Library have issued in a pamphlet of sixty-five pages a *Brief Description of the Chamberlain Collection of Autographs*, formed by the Hon. Mellen Chamberlain, and now deposited in that library.

Mr. John Lane publishes an elaborate illustrated work by Mr. Charles A. Thimm, entitled *Complete Bibliography of Fencing and Duelling as Practised by all European Nations from the Middle Ages to the Present Day*.

*Le Muston* and the *Revue des Religions* have been consolidated, and begin a new series with the title *Le Muston et la Revue des Religions: Études historiques, ethnologiques et religieuses*.

S. Hirzel, of Leipzig, announces a new volume of essays by the late Professor H. von Treitschke, *Biographische und Historische Abhandlungen vornehmlich aus der neueren Geschichte*.

Under the title *A History of China*, Mr. F. W. Williams, of Yale University, has reprinted the historical chapters from the late Professor S. Wells Williams's *The Middle Kingdom*, adding a narrative, proportional in length, of the events of the last twenty years (Scribner).

## ANCIENT HISTORY.

Professor Charles Michel, of the University of Liège, has published the first part (Paris, Ernest Leroux, pp. 192) of a *Recueil des Inscriptions pour servir à l'Étude de l'Histoire et des Institutions de la Grèce Ancienne jusqu'à la Conquête Romaine*. This manual, of which the plan seems excellent, aims to utilize the results of epigraphic study achieved down to the present time. Part I. deals with international regulations and with laws and decrees. Parts II. and III., which will conclude the book, will complete the section of laws, and will present inscriptions relating to administration, worship and private law.

Professor W. M. Ramsay has brought out the second part of Vol. I. of his *Cities and Bishopricks of Phrygia*, dealing with western and west-central Phrygia; the first part was noticed in our last number.

In Jahrg. XXIV., Hefte 8-10 (or in Vol. 90), of the *Jahresberichte über die Fortschritte der classischen Alterthumswissenschaft*, Dr. D. Detlefsen has an extended general review of the publications of the years from 1883 to 1893 relating to the geography of the northern and western provinces of the Roman Empire. In Jahrg. XXV., 1 (Vol. 94), Dr. L. Hüter begins a general review of publications in Roman history, 1889-1893.

Noteworthy articles in periodicals: J. Kohler, *Die Urgeschichte des Heiraths* (*Zeitschrift für vergleichende Rechtswissenschaft*, 1897, 2-3); J. M. P. Metcalfe, *The Tell el-Amarna Letters* (*Bibliotheca Sacra*, April); G. Gilbert, *Beiträge zur Entwicklungsgeschichte des griechischen Gerichtsverfahrens und des griechischen Rechtes* (*Jahrbücher für classische Philologie*, Supplementband XXIII. 2); G. Friedrich, *Die Entstehung des Thukydideischen Geschichtswerkes*, I. (*Neue Jahrbücher für Philologie*, 155, 3); B. Niese, *Zur Würdigung Alexanders des Grossen* (*Historische Zeitschrift*, LXXIX. 1); W. Wittich, *Die wirthschaftliche Kultur der Deutschen zur Zeit Cäsars* (*ibid.*); A. Wilms, *Das Schlachtfeld im Teutoburger Walde*, II. (*Neue Jahrbücher für Philologie*, 155, 3); J. Toutain, *Études sur l'Organisation municipale du Haut-Empire*, I. (*Mélanges d'Archéologie et d'Histoire de l'École Française de Rome*, XVI. 5); M. Büdinger, *Ammianus Marcellinus* (*Denkschriften der k. Akademie der Wissenschaften, phil.-hist. Cl.*, XLIV.).

## EARLY CHURCH HISTORY.

The "historical bulletins" which have hitherto appeared in the *Zeitschrift für Kirchengeschichte*, reviewing the recent work of various lands in church history, will hereafter be replaced by simple bibliographical lists.

The Vienna Academy has begun the publication of its edition of the works of St. Ambrose in its *Corpus Scriptorum Ecclesiasticorum Latinorum*, Vol. XXXII., pars I. (Vienna, Tempsky, pp. 497). The editor is Dr. Karl Schenkl.

M. J.-B. Chabot has undertaken to publish in the *Notes et Extraits des Manuscrits* the Syriac text, with French translation, of the *Synodicon Orientale*, containing the acts and decisions of thirteen councils convened by the catholicos Isaac (410) and by various Nestorian patriarchs, down to 694. They are of much value for the religious and political history of Persia.

Dr. M. A. Stiegler contributes to the *Archiv für katholisches Kirchenrecht*, LXXVII. 1, an important study on *Dispensation und Dispensationswesen in ihrer geschichtlichen Entwicklung bis zum 9. Jahrhundert*.

A plan for a critical edition of the papal documents down to the time of Innocent III. is set forth in the *Historische Zeitschrift* (LXXVIII. 3), by Otto Krauske, on the lines of a paper read to the Royal Academy of Göttingen by Dr. P. Kehr.

#### MEDIEVAL HISTORY.

Professor Harald Hjärne of the University of Upsala is the editor of a convenient collection of medieval texts for the use of students, *Medeltidens Statskick- (omkr. 800-1350) vålda Texter*. Of the one hundred and seventeen documents, fifty-one relate to Sweden; the others illustrate the history of England, France, the Papacy and the Empire (Upsala, Historiska Föreningen, pp. 426).

Professor Oliver J. Thatcher, of the University of Chicago, the senior author of the text-book of the history of the Middle Ages reviewed in our last number, has published *A Short History of Medieval Europe* (Scribner, pp. 325).

M. Diehl's *L'Afrique Byzantine, Histoire de la Domination Byzantine en Afrique*, 533-709 (Paris, Leroux, pp. 644), has been crowned by the Academy of Inscriptions and Belles-Lettres, and is commended as a work of great value in a field comparatively fresh.

The Benedictines of Stanbrook Abbey will shortly publish (Art and Book Company) a book on *Gregorian Music, an Outline of Musical Palaeography*, illustrated by fac-similes of ancient manuscripts.

Professor Haskins's article in our number for October, 1896, on the Vatican Archives, is warmly commended in the last number of the *Revue Internationale des Archives*: "Cette dissertation, très substantielle, est actuellement le meilleur répertoire qui existe des renseignements sur les Archives pontificales et sur les travaux qui ont été exécutés jusqu'ici dans ces Archives." The *Catholic University Bulletin* for April reprints the article under the title of *Research-work in the Vatican Archives*.

M. Ch.-V. Langlois has gathered into a thin volume (pp. 115) under the title *Formulaires de Lettres du XII<sup>e</sup>, du XIII<sup>e</sup> et du XIV<sup>e</sup> Siècle*, five separate reprints from the *Notices et Extraits des Manuscrits de la Bibliothèque Nationale*, dealing with a considerable number of the form-books of medieval scribes.

Dr. Albert H. Newman has published, through the American Baptist



Publication Society of Philadelphia (pp. 414), a *History of Antipedobaptism from the Rise of Pedobaptism to A.D. 1609*.

Noteworthy articles in periodicals: W. Sickel, *Die Privatherrschaften im fränkischen Reiche* (Westdeutsche Zeitschrift, XVI. 1); Sägmüller, *Die Idee Gregor's VII. vom Primat in der päpstlichen Kanzlei* (Theologische Quartalschrift, LXXVIII. 4); H. Hagenmeyer, *Der Brief des Kaisers Alexios I. Komnenos an den Grafen Robert I. von Flandern* (Byzantinische Zeitschrift, V. 1); K. Fitting, *Die Summa Codicis und die Quaestiones des Irnerius* (Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, XVII., Rom. Abth.); G. Salles, *L'Institution des Consuls, son Origine, son Développement au Moyen Age* (Revue d'Histoire diplomatique, 1897, 2).

#### MODERN EUROPEAN HISTORY.

The Clarendon Press intends to bring out a series of five books of musical history under the general editorship of Mr. Hadow, who will write the volume on the Viennese School and its times. Mr. E. Dannreuther has been assigned to write the volume on the Romantic Movement; Mr. Fuller-Maitland will deal with the age of Bach and Handel, Dr. Herbert Parry with the music of the seventeenth century, and Professor Woodbridge with the ecclesiastical music of the preceding ages.

A book casting an important amount of light on the relations between France and Italy in the early years of the sixteenth century is M. Léon G. Péliissier's *Recherches dans les Archives Italiennes: Louis XII. et Ludovic Sforza*, two vols. (Montpellier, Boehm, pp. 523, 538).

That portion of President White's *History of the Warfare of Science with Theology* which treats of the miracles of St. Francis Xavier is warmly criticized in the *Analecta Bollandiana*, XVI.

The Hakluyt Society issue in this present year the first volume of *Danish Arctic Expeditions*, comprising the Danish expedition to Greenland of 1605 to 1607, with James Hall's voyage of 1612, edited by Messrs. C. C. A. Gosch and Miller-Christy. The second volume, edited by the same scholars, will comprise the narrative of Jens Munk's voyage to Hudson Bay, 1619-1620. Other volumes proposed by the society will contain a journal of the first voyage of Vasco da Gama, translated from the Portuguese, the *Topographia Christiana* of Cosmas Indicopleustes, a translation of Bernal Diaz's *True History of the Conquest of New Spain*, and a new edition, edited by Mr. Everhard F. im Thurn, of Raleigh's *Discoverie of the Empire of Guiana*, of which the first edition, edited by Sir Robert H. Schomburgk (1848), is out of print.

Dr. Isaia Lanzarini has published the second and concluding volume of his useful compendium entitled *I principali Trattati Politici fra gli Stati Europei dal 1648 al 1878 ordinati e sommariamente esposti con note e tavole illustrative* (Reggio, Calderini). This second volume covers the years from 1792 to 1878. The plan, as in the preceding volume, is to give in Italian a summary of the substantial and characteristic portions of

each European treaty. The treaties, of which 339 are presented in the present volume, are set in chronological order, with historical notes and comments. The whole is executed with great care.

Father Augusto De Benedetti has published an essay entitled *La Diplomazia Pontificia e la prima Spartizione della Polonia* (Pistoia, Flori e Biagini, pp. 132), based upon unpublished documents drawn from the secret archives of the papacy.

MM. Calmann Lévy have published the second volume of the *Correspondance Politique du Comte Pozzo di Borgo et du Comte de Nesselrode*, 1814-1818.

General Anton von Scudier, of the Austrian army, has published a volume entitled *Considerazioni sulla Campagna del 1866 in Italia*.

Noteworthy articles in periodicals: R. de Cisternes, *La Conférence d'Aix-la-Chapelle, d'après la Correspondance inédite du Cardinal de Richelieu* (Cosmopolis, March); *Corsica* (Edinburgh Review, April); G. B. Adams, *A Century of Anglo-Saxon Expansion* (Atlantic, April); J. Pottel, *La Russie et la Rupture de la Paix d'Amiens* (Annales de l'École Libre des Sciences Politiques, 1897, 1); Comte E. Lefebvre de Béhaine, *Léon XIII. et le Prince de Bismarck*, I. (Revue des Deux Mondes, March 1).

#### GREAT BRITAIN AND IRELAND.

The latest historical publications of the British government are Vol. IX. of the *Register of the Great Seal of Scotland* (1634-1651), edited by Mr. John Maitland Thomson, and Vol. XVI. of the *Exchequer Rolls of Scotland* (1529-1536), edited by Mr. George P. McNeill.

The *Report of the Deputy Keeper of the Public Records* for 1896 contains an account of the Rolls Chapel. That of the Deputy Keeper for Ireland contains a report on the early Plea Rolls; from 51 Edward III., in continuation of the matter presented in 1894, and a table showing the present custodies of parochial records.

A new monthly journal, the *Genealogical Magazine*, made its appearance upon the first of May. The publisher is Mr. Elliot Stock, 62 Paternoster Row. The magazine will attempt to combine interesting illustrated family histories with those accurate and detailed evidences which constitute the real value of genealogical writings. Heraldic matter, extracts from notable parish registers, and copies of memorial inscriptions illustrative of family history, will also appear. It is intended that the monthly record of new genealogical publications and the chronicle of all matters relating to the devolution or creation of titles, honors, promotions, ceremonials, etc., shall be unusually full. The first number contains an article by Mr. J. H. Round on the surrender of the Isle of Wight, some information respecting Bradford's *History of Plymouth Plantation*, a curious tale of the Sobieski Stuarts, and the beginning of a detailed account of Shakespeare's family.

The fiftieth volume of the *Dictionary of National Biography* extends

from Rus to Sco. The articles of most interest to American historical scholars are, probably, those on Bolingbroke, by Mr. Leslie Stephen; on Oliver St. John, by Mr. C. H. Firth; on Sancroft, by Mr. W. H. Hutton; on Sir E. Sandys, by Mr. A. F. Pollard; on Halifax, by Mr. Thomas Seccombe; and on Schomberg, by Mr. Robert Dunlop.

The London School of Economics and Political Science has offered, during its summer term (May and June), a course in palæography and diplomatic, chiefly of English manuscripts and records from the twelfth to the seventeenth century, by Hubert Hall, F.S.A., of the Public Record Office.

A new edition of Low and Pulling's *Dictionary of English History* is announced by Messrs. Cassell and Co.

Dr. Arthur J. Mason, canon of Canterbury, has prepared a historical handbook for the thirteenth centenary of the introduction of Christianity into England, which is to be published by the Cambridge University Press under the title *The Mission of St. Augustine to England according to the original Documents*.

In the May number of the *Revue Historique* M. Ch. Bémont begins a comprehensive survey of the publications relating to the medieval history of England, chiefly those of the last three years.

From the *Sitzungsberichte* of the Vienna Academy Dr. J. Loserth has reprinted an elaborate paper entitled *Studien zur Kirchenpolitik Englands im 14. Jahrh.; I. Theil, Bis zum Ausbruch des grossen Schismas, 1378*, (Vienna, C. Gerold's Sohn, pp. 135).

The Royal Historical Society has issued, in two volumes (Longmans, pp. 724), *The Domesday of Inclosures, 1517-1518*, comprising the extant returns to Chancery from various counties, edited by Mr. J. S. Leadam.

Part II. of the Appendix to the *Fifteenth Report of the Historical Manuscripts Commission* is occupied with the Acts of the Privy Council in Ireland, 1556-1571, printed from a manuscript formerly belonging to Charles Haliday of Dublin and now possessed by the Royal Irish Academy. The preceding and succeeding volumes, down to the early part of the reign of James I., are lost; but ancient tables of their contents exist and are printed in this volume.

The latest volume of the Scottish History Society comprises the diary of Sir Archibald Johnston of Wariston for 1639; the Preservation of the Honours of Scotland, 1651-1652; Lord Mar's Legacies, 1722-1727; and letters concerning Highland affairs in the eighteenth century by Mrs. Grant of Laggan.

*The Early History of the Scottish Union Question*, by Mr. G. W. T. Omond, will shortly be published by Messrs. Oliphant, Anderson and Ferrier, who have recently brought out the same author's *Fletcher of Saltoun*.

The first volume of Mr. Osmund Airy's new edition of Burnet's

*History of My Own Time* (Macmillan, pp. 646) is the first of two volumes relating to the reign of Charles II., and carries the narrative down to 1672.

The house of John Murray will publish the *Autobiography and Correspondence of Augustus Henry, third Duke of Grafton*, from hitherto unpublished documents in the possession of his family, edited by Sir William R. Anson, Bart., warden of All Souls College, Oxford.

In the Heeren and Ukert series, *Geschichte der europäischen Staaten*, Dr. Moriz Brosch's *Geschichte von England* is continued by the addition of a tenth volume, covering the period from 1815 to the completion of Peel's reforms.

Mr. Justin McCarthy has published (Harper) a third volume of his well-known *History of Our Own Times*, bringing the narrative down from 1880 to the commemoration of the sixtieth year of the Queen's reign.

Noteworthy articles in periodicals: J. H. Round, *The Earliest Fines* (English Historical Review, April); J. J. Jusserand, *Jacques I. d'Écosse fut-il poète?* (Revue Historique, May); R. H. C. Fitzherbert, *The Authorship of the "Book of Husbandry" and the "Book of Surveying"* (English Historical Review, April); J. Gairdner, *New Lights on the Divorce of Henry VIII.*, III. (English Historical Review, April); A. Parnell, *James Macpherson and the Nairne Papers* (English Historical Review, April); *Edward Gibbon* (Edinburgh Review, April).

#### FRANCE.

M. H. Martin has completed the *Catalogue des Manuscrits de l' Arsenal* by the addition of a seventh volume, containing the index to the whole.

M. Henri Sée has published (Paris, Picard, pp. 134) a careful *Étude sur les Classes rurales en Bretagne*, which originally appeared as articles in the *Annales de Bretagne*.

The second issue of the *Répertoire Méthodique du Moyen Age Français* prepared by A. Vidier for *Le Moyen Age* has just appeared in separate form. It is devoted to the publications of the year 1895 and contains 5135 titles (Paris, E. Bouillon, pp. 190).

In the *Bibliothèque de la Faculté des Lettres* of the University of Paris, the third number, edited by Professor Luchaire, consists of three studies, under the general title of *Mélanges d'Histoire du Moyen Age*. Of these the most important is one by M. Luchaire himself, upon *Hugue de Clers et le "De Senescalcia Francie,"* in which, upon the basis of careful study, he controverts the conclusions expressed regarding this treatise by M. Bémont in the *Études d'Histoire du Moyen Age*, recently published in honor of M. Gabriel Monod.

It is expected that M. André Lebon, minister of the colonies, will contribute a volume on *Modern France* to the series called "The Story of the Nations."

The first volume of the general catalogue of the incunabula of France, prepared by Mlle. M. Pellechet, is upon the point of publication.

M. Berthold Zeller has added to his *Marie de Médicis et Sully* (1892) a study of the period of Villeroy, 1612-1614, *La Minorité de Louis XIII.*; *Marie de Médicis et Villeroy* (Paris, Hachette, pp. 387), a picture of the court and of politics constructed especially out of materials drawn from the Venetian and Florentine archives.

An episode in the history of the French Revolution is treated in G. A. Crüwell's *Die Beziehungen König Gustafs III. von Schweden zur Königin Marie Antoinette von Frankreich* (Berlin, A. Duncker, pp. 88).

M. A. Chuquet is preparing, partly upon the basis of new documents, a book entitled *La Jeunesse de Napoléon*.

To its series of documentary publications relating to the French Revolution the city of Paris has recently added two volumes edited by M. Alexandre Tuetey, *L'Assistance Publique à Paris pendant la Révolution : Documents inédits recueillis et publiés* (Imprimerie Nationale, pp. cxcii, 792, 729). Other volumes are to follow. Those now printed contain documents relating to hospitals, hospices, etc., from 1789 to 1791.

The Ministry of Public Instruction has published the third volume of its *Procès-Verbaux du Comité d'Instruction Publique de la Convention Nationale* (Paris, E. Leroux) covering the period from 1 Frimaire to 30 Nivôse, an II.

Beside his great Napoleonic bibliography, A. Lombroso is publishing a series of *Miscellanea Napoleonica*, of which the second part (pp. lxxvi, 177) has now appeared. It contains a variety of interesting, and, in some cases, important documents hitherto unprinted.

Messrs. Longmans, Green and Co. print a translation, by Mrs. Arthur Bell, of the *Memoirs of Baron Lejeune*, aide-de-camp to Berthier, Davoust and Oudinot.

M. Jean Cruppi, avocat-général, has published (Marchal et Bellard) a discourse delivered by him on *Napoléon et le Jury*, setting forth the unavailing efforts which Napoleon made during fifteen years to remove the jury from the system of criminal jurisprudence in France.

Count Boulay de la Meurthe has published the fourth and fifth volumes of his *Documents sur la Négociation du Concordat*, completing this important series. The new volumes relate to the passage of the Concordat through the Tribunat and the Corps Législatif, and terminate in several appendices to the general series. The book is issued by the Société d'Histoire Diplomatique.

The National Printing-office has issued a supplementary *Inventaire sommaire des Archives du Département des Affaires Étrangères ; Mémoires et Documents, Fonds France et fonds divers* (pp. 247). It covers the years from 1814 to 1830, for which the archives were thrown open by ministerial decree in 1891.

Much interest has been aroused by the memoirs of General Trochu, *Œuvres Posthumes* (Tours, Mame, two vols., pp. 663, 405), written at various times between 1874 and 1894. The first and most important volume is the unsuccessful general's account of the siege of Paris, an honest, instructive and valuable narrative. The second contains observations on the political and social development of France under the Third Republic, the reflections of an acute, but severe and pessimistic mind.

Noteworthy articles in periodicals: E. Jenks, *Fustel de Coulanges as a Historian* (English Historical Review, April); C. V. Langlois, *Les Travaux sur l'Histoire de la Société Française au Moyen Âge, d'après les Sources littéraires* (Revue Historique, March); L. Batiffol, *Le Châtelet de Paris vers 1400*, IV. (Revue Historique, March); A. Spont, *La Milice des Francs-archers, 1448-1500* (Revue des Questions Historiques, April); Count Baguenault de Puchesse, *Catherine de Médicis et les Conférences de Nérac, 1578-1579* (Revue des Questions Historiques, April); G. Clément-Simon, *La Vie seigneuriale sous Louis XIII.: le Vicomte de Pompadour* (Revue des Questions Historiques, April); Comte d'Haussonville, *Le Duc de Bourgogne*, I., II. (Revue des Deux Mondes, February 1, April 1); L. Fleys, *Louis XV., Marie-Thérèse et la Paix de l'Europe en 1758* (Revue d'Histoire Diplomatique, 1897, 1); A. Onou, *La Comparution des Paroisses en 1789* (La Révolution Française, March 14); A. Chuquet, *Napoléon Bonaparte au Siège de Toulon* (Cosmopolis, January); F. Masson, *Les Bonaparte et le 18 Brumaire* (Revue de Paris, January 15); *Correspondance du Duc de Richelieu* (Cosmopolis, April); E. Wertheimer, *Documents inédits sur la Maladie et la Mort du Duc de Reichstadt* (Revue Historique, May); M. Philippson, *Adolphe Thiers, Geschichtschreiber* (Cosmopolis, May); É. Ollivier, *Le Prince Louis Napoléon*, IV. (Revue des Deux-Mondes, January 15).

#### ITALY AND SPAIN.

The plan of Professor Mazzatinti's *Gli Archivi della Storia d'Italia*, as now announced, is about as comprehensive as that of MM. Langlois and Stein's *Archives de l'Histoire de France*. Documents bearing upon modern history down to the present time will be included; but it does not appear that the scheme embraces foreign archives. One volume will be published per annum, in parts. The publisher will be Licinio Capelli, Rocca S. Casciano, Rome.

A school of palæography has been established at Florence, in connection with the Institute for Higher Studies. A three years' course has been arranged, resembling that of the École des Chartes.

In the *Nuovo Archivio Veneto*, XII. 1, XII. 2, Carlo Cipolla has an extensive general survey of the publications of 1894 on the medieval history of Italy. Those of both 1894 and 1895 are reviewed by E. von Ottenthal in the *Archivio Storico Italiano*, XVIII. 2.

The municipality of Forlì has resolved to celebrate in September,

1899, the memory of Paulus Diaconus, and invites all persons interested in medieval studies to assist in person or by writings.

Forzani and Co. of Rome publish a *Storia della Marina italiana della Caduta di Costantinopoli alla battaglia di Lepanto*, by C. Manfroni (pp. 534).

The Marquis de Sassenay's *Les derniers Jours de Murat* (Paris, Calmann Lévy, pp. 306) presents some new views of the manner by which Murat came to his death.

Under the editorial direction of Tommaso Casini and Vittorio Fiorini, a series of pamphlets or small monographs dealing with the history of Italy during the present century is being brought out under the general title of *Biblioteca Storica del Risorgimento Italiano*. The pieces appear monthly. The first to be issued was *Gli Atti del Congresso Cispadano di Reggio*, by Fiorini; the second, by Giosuè Carducci, *Le Vittime del Duca di Modena Francesco IV.* The publishers are the Società Editrice Dante Alighieri, Rome.

In the March number of the *Boletin de la Real Academia de la Historia* Dr. E. Hübner prints an important study, illustrated with photographs, of nine Iberian inscriptions recently discovered in Asturias, which cast much light on the early relations of the Phœnicians and Greeks to that district.

Mr. William Heinemann, of London, will shortly publish a translation of Dr. Wilken's book on the Spanish Protestants of the sixteenth century.

In the *Séances et Travaux de l'Académie des Sciences Morales et Politiques* for January is printed a valuable memoir of F. Perrens on Elizabeth of Valois, queen of Philip II.

#### GERMANY, AUSTRIA, SWITZERLAND.

The official report of the fourth "Versammlung deutscher Historiker," held at Innsbruck, September 11-14, 1896, has been published at Leipzig by Duncker and Humblot (pp. 73).

The latest addition to the number of local historical commissions is one for the province of Westphalia. The tasks immediately proposed to be undertaken are chiefly the following: the continuation of the *Westfälisches Urkundenbuch* from 1300 on; the publication of the acts and proceedings of the Westphalian Landtag; and the continuation of the *Codex Traditionum Westfalicarum*, of which four volumes have heretofore been published. A historical commission for Nassau has also been instituted.

Lamprecht's *Deutsche Geschichte* is the subject of an unusually extended review, by Georges Blondel, in the *Revue Historique* for May-June. H. Finke's sharp criticism of the fifth volume, in the *Historische Zeitschrift*, LXXVII. 3, has led to a controversy between him and the author, pursued in an article by Lamprecht in the *Deutsche Zeitschrift für Geschichtswissenschaft*, 1896, Monatsblatt 9, and in a pamphlet by Finke,



*Genetische und klerikale Geschichtsauffassung*, (Münster, Regensburg, pp. 38). The general controversy in Germany regarding economic history is reviewed in the *Revue Historique* (May-June) by Professor H. Pirenne. A further review of Lamprecht, by Schnürer, appears in the *Historisches Jahrbuch*, XVIII. 1.

In the *Neues Archiv*, XXII. 2, Dr. K. Hampe gives a detailed account of historical researches conducted among English manuscripts for the benefit of the *Monumenta—Reise nach England, 1895-1896*.

The Historical and Antiquarian Society of Basel have published the third volume of the *Urkundenbuch der Stadt Basel*, edited by R. Wackernagel and R. Thommen, and extending from 1291 to 1300 (Basel, R. Reich, pp. 487). They have nearly ready the second volume of *Acta Pontificum Helvetica, Quellen Schweizerischer Geschichte aus dem päpstlichen Archiv in Rom*, extending from 1268.

Dr. Erich Liesegang has published, in Gierke's series of *Untersuchungen zur deutschen Staats- und Rechtsgeschichte* (No. 52), an elaborate monograph in the field of municipal history: *Niederrheinisches Städtewesen vornehmlich im Mittelalter: Untersuchungen zur Verfassungsgeschichte der clevischen Städte* (Breslau, W. Köbner, pp. 758).

The Royal Scientific Society of Prague has published an important monograph by Dr. Ferdinand Padra, on the intellectual relations between Bohemia and other countries, down to the time of the Hussite wars.

In the official series of *Regesta Imperii XI. Die Urkunden Kaiser Sigmunds*, Vol. I., Dr. Wilhelm Altmann has brought out the second section (Innsbruck, Wagner, pp. 241-427).

The preliminaries of the war of 1474-1475 are treated elaborately in Dr. Hermann Diemar's *Die Entstehung des deutschen Reichskrieges gegen Herzog Karl den Kühnen von Burgund* (Marburg, pp. 101).

The Prussian Academy of Sciences has voted to Professor Harnack a grant of 2400 marks to write the history of the first two centuries of the academy's existence.

An interesting fragment of a first version of Frederick the Great's *Histoire de mon Temps* has been discovered by Dr. Arnheim and printed in *Forschungen zur brandenb.-preussischen Geschichte*, IX., 2.

The Prussian Ministry of War has published two volumes of *Militärische Schriften weiland Kaiser Wilhelm's des Grossen Majestät* (Berlin, Mittler).

Vol. II. of H. von Poschinger's *Fürst Bismarck und der Bundesrat* (Stuttgart, Deutsche Verlags-Anstalt, pp. 427), deals with the Bundesrat of the Zollverein (1868-1870) and with that of the German Empire from 1871 to 1873.

Noteworthy articles in periodicals: H. Brunner, *Die uneheliche Vaterschaft in den älteren germanischen Rechten* (Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, XVII., Germ. Abth.); A. Luschin von Eben-

greuth, *Die Anfänge der Landstände* (Historische Zeitschrift, LXXVIII. 3); A. E. Schönbach, *Zur Geschichte der Predigt in Ober-Deutschland*, I. (Sitzungsberichte der k. Akademie der Wissenschaften zu Wien, ph.-hist. Cl., 1897); G. Witkowski, *Der historische Faust* (Deutsche Zeitschrift für Geschichtswissenschaft, n. s., I. 4); P. Bailleu, *Der Prinzregent und die Reform der deutschen Kriegsverfassung* (Historische Zeitschrift, LXXVIII. 3); O. Lorenz, *Kaiser Wilhelm der Erste, 1797-1897* (Deutsche Rundschau, March).

#### NETHERLANDS AND BELGIUM.

In the last portions of Vol IX. of the *Bijdragen voor de Vaderlandse Geschiedenis*, Professor Blok has a study of *De Watergeuzen in Engeland*; Professor Bussemaker gives a list of the pieces relating to Dutch history in the *Coleccion de Documentos Inéditos para la Historia de España*.

Professor P. J. Blok has published (Hague, van Stockum, pp. 54) a report of his preliminary examination of the archives of Paris, made in pursuance of the general plan of the Dutch government for a search after materials for Dutch history contained in foreign repositories of documentary material—*Verslag aangaande een voorlopig Onderzoek te Parijs naar Archivalia belangrijk voor de Geschiedenis van Nederland*.

M. A. Delescluse reviews recent Belgian publications in history in the *Revue des Questions Historiques* for April.

A brilliant and important contribution to the medieval history of Flanders is M. Fr. Funck-Brentano's *Philippe le Bel en Flandre* (Paris, Champion, pp. 709).

#### NORTHERN AND EASTERN EUROPE.

M. E. Beauvois reviews recent Scandinavian historical publications in the *Revue des Questions Historiques* for April.

The tenth volume of Dr. Rydberg's collection of treaties, Part I., *Sverges och Norges Traktater med främmande Magter*, extends from 1815 to 1845 (Stockholm, Norstedt).

In the *Monumenta Hungariæ Historica* have been published the correspondence of Emerich Thököly, 1691-1692, and a second volume (1521-1566) of Hungarian translations of Turkish histories of the wars between the Turks and Hungary. In an allied series, an important and interesting body of documents, Latin and Hungarian, relating to the transactions (1559-1795) of thirteen of the Hungarian counties, has been printed under the title *Statuta et Articuli Municipiorum Hungariæ Cis-Danubianorum*, Vol. I.

#### AMERICA.

Mr. G. P. Humphrey, of Rochester, has begun the issue of a series of *American Colonial Tracts*, reprints, appearing monthly, of rare pamphlets

of the colonial period. The first two, issued for May and for June, are reprints of *A Discourse concerning the designed Establishment of a new Colony in the south of Carolina, in the most delightful Country in the Universe*, by Sir Robert Montgomery, Baronet, London, 1717, and *A Brief Account of the Establishment of the colony of Georgia under Gen. James Oglethorpe*, February 1, 1733. He has also issued, in a limited edition, *A Guide in the Wilderness, or the History of the first Settlements in the Western Counties of New York, with useful instructions to further Settlers in a series of letters addressed by Judge Cooper, of Cooperstown, to William Sampson, Barrister, of New York*, originally published in Dublin in 1810.

The "Henry Clay Publishing Company," of New York, have brought out a seven-volume of the *Works of Henry Clay*, comprising his life, correspondence and speeches, with an introduction by Speaker Reed and, as the seventh volume, a history of tariff legislation from 1812 to 1896 by the President of the United States. Presumably the other volumes are a reprint of Calvin Colton's various volumes, but the prospectus throws no light on such questions.

Dr. George A. Williams has issued a revised edition of his useful little manual entitled *Topics in American History* (Syracuse, C. W. Bardeen, pp. 180). The book is intended for use in schools, and the references are skilfully planned with a view to the needs of those who have access to but few books, as well as of those who are near libraries.

An important study by Professor Carlo Merkel is printed in the twentieth volume, fasc. 4, of the *Memorie del R. Istituto Lombardo di Scienze e Lettere*, under the title *L' Opuscolo "De Insulis nuper inventis" del messinese Nicolò Scillacio professore a Pavia confrontato colle altre Relazioni del secondo Viaggio di Cristoforo Colombo in America*.

We note, as of possible interest to students of early American history, a pamphlet of six pages printed by Cassone, of Casale, Italy, entitled *Sull' Identità del fiorentino Giovanni da Verrazzano con Giovanni Florin*, by L. Hugues.

Dr. Justin Winsor has reprinted, in a small number of copies, from the *Proceedings* of the Massachusetts Historical Society, an erudite paper on Baptista Agnese and American cartography in the sixteenth century.

The Burrows Brothers Co., of Cleveland, have secured for their edition of *The Jesuit Relations and Allied Documents* the original manuscript of Father Claude Dablon's relation of the Canadian mission for 1676-1677, recently offered for sale. It has never been completely printed. Vols. IV., V. and VI of the *Relations* have now been printed.

The Rev. Sanford H. Cobb, of Richfield Springs, N. Y., proposes to issue by subscription, as a volume of 300 pages, *The Story of the Palatines*. The episode in colonial history which forms the subject of this monograph, the history of the emigrants from the Palatinate of the Rhine, who came to this country in the early part of the eighteenth century, has not before been treated as a whole in any consecutive narrative.

Messrs. Ginn and Co. have published, in the "Athenaeum Press Series," Burke's *Speech on Conciliation with America*, edited, with an introduction and notes, by Professor Hammond Lamont, of Brown University.

The American University Dinner Club of Paris has reprinted in a little pamphlet (Paris, Brentano), an interesting speech on *Washington and the Mother Country*, delivered by Sir Edmund Monson, British ambassador to France, upon the occasion of his presiding at the dinner of the club on February 22, 1897. The address has also been printed in French in the *Revue des Deux Mondes* for March 15.

The series of "Women of Colonial and Revolutionary Times" is continued by a volume on *Martha Washington*, by Miss Anne Hollingsworth Wharton (Scribner, pp. 306).

The March number of the *Bulletin* of the New York Public Library presents a calendar of that portion of the Emmet Collection which relates to the Albany Congress of 1754. The editor also prints a journal of a voyage to Virginia in 1619, written by Ferdinando Yate, and a letter of the ensuing January from Governor Sir George Yeardley. The fourth or April number contains documents relating to the treason of Gen. Charles Lee in 1777, and an elaborate description of those comprised in the Emmet collection which relate to the Stamp Act Congress of 1765. The fifth number presents a similar description of those relating to the Continental Congress of 1774.

Professor J. P. Gordy's *History of Political Parties in the United States*, the first volume of which was noticed in our last issue, will hereafter be published by Henry Holt and Co.

The *Proceedings of the American Antiquarian Society* for the meeting of October 31, 1896, contain but one historical article: Twenty Unsettled Miles in the Northeast Boundary, by President Thomas C. Mendenhall, who, as a commissioner under the convention of July 22, 1892, took part in the last attempt to settle the controversy alluded to.

Two volumes of *Personal Recollections of the War of the Rebellion*, comprising the addresses delivered before the New York Commandery of the Military Order of the Loyal Legion of the United States, 1888 to 1891, will shortly be published by Messrs. G. P. Putnam's Sons. The first volume will be edited by Gen. James Grant Wilson and Dr. Titus M. Coan, the second volume by Mr. A. Noel Blakeman. Both volumes will be illustrated with portraits.

Mr. James Beale has printed in a hundred copies (Philadelphia, the author, pp. 29) a paper on *The Statements of Time on July 1, at Gettysburg, Pa., 1863; An Examination of the Official Reports*.

The Maine Historical Society celebrated its seventy-fifth anniversary on April 10. Addresses were made by the president, Hon. J. P. Baxter, by the recording secretary, Mr. H. W. Bryant, and by others. The seventy-fifth anniversary of the Rhode Island Historical Society was

celebrated on April 19, an address being given by the president, Hon. J. H. Stiness.

The manuscript of Gov. Bradford's *History of Plymouth Plantation* was on May 26 formally delivered to the Commonwealth of Massachusetts by the Hon. Thomas F. Bayard, to whom it had been entrusted for that purpose by its British custodians. Addresses were made upon the occasion by Mr. Bayard, by Senator Hoar and by the governor of the state.

Professor Edward Arber has made up a new book on the history of the Pilgrims by collecting into one volume a variety of passages from Bradford's History and other contemporary accounts, with some annotations. The book is published in America by Houghton, Mifflin and Co., under the title, *The Story of the Pilgrim Fathers, 1602-1624 A. D., as Told by Themselves, Their Friends, and Their Enemies.*

The New England Company in London has printed, in a limited edition, *Some Correspondence between the Governors and Treasurers of the New England Company in London and the Commissioners of the United Colonies in America, the Missionaries of the Company and others*, between the years 1657 and 1712. The letters are printed from the originals in the possession of the New England Company. One hundred copies have been secured for America by Dodd, Mead and Company. The letters printed are all that survive of the correspondence, from their representatives in America, of the New England Company. They have been deciphered by John W. Ford, Governor of the Company, who has added a preface, and a series of biographical and historical notes of persons mentioned in the letters. Among the letters here first printed are several of John Eliot, "Apostle to the North American Indians"—others from Increase Mather, Cotton Mather, Joseph Dudley, John Cotton, etc. At the end are added two journals of the Rev. Experience Mayhew, giving an account of his visits to the Pequot and Mohegan Indians, in 1713 and 1714.

No. 52 of the *Bibliographical Contributions by the Library of Harvard University* is an account of the librarians of Harvard College from 1667 to 1877 by Messrs. A. C. Potter and C. K. Bolton (pp. 47), which, beside its interest to Harvard men, makes also some interesting contributions to New England history.

Messrs. De Wolfe, Fiske and Co., of Boston, are about to publish a book entitled *Samuel Sewall and the World he Lived in*, by Mr. N. H. Chamberlain.

In the series of *Papers from the Historical Seminary of Brown University* the latest issue, No. VIII., is a History of the Tammany Societies of Rhode Island, by Mr. M. W. Jernegan (Providence, Preston and Rounds, pp. 39).

The Record Commissioners of the City of Providence issue as the twelfth volume of its *Early Records* a volume containing the records of the Providence town council from 1718 to 1732.

In the *Pennsylvania Magazine of History* for April, the articles marking the previous number are continued. Dr. Charles J. Stillé presents a general review of recent books on Pennsylvania history.

No. III., IV., V. of the fifteenth series of the *Johns Hopkins University Studies in Historical and Political Science* is a monograph on the Street Railway System of Philadelphia; its History and Present Condition, by Frederic W. Speirs, Ph.D., Professor of Economics and History in the Drexel Institute (pp. 123).

Miss Kate Mason Rowland, author of the well-known *Life of George Mason*, intends to issue in the autumn an equally elaborate book on the *Life of Charles Carroll of Carrollton*, with his letters and public papers. Subscriptions for the two volumes are received by Messrs. G. P. Putnam's Sons.

The *Virginia Magazine of History and Biography* for April contains some papers regarding charges made against Governor Spotswood in 1719, council proceedings under the same governor, some extracts from the records of Northampton County in the seventeenth century, abstracts of depositions of soldiers of the Revolution, papers of Judge Harry Innes when a commissioner for army supplies, a list of the Burgesses from 1766 to 1775, and installments of the usual continued articles.

A regrettable error was committed in what was said in our last issue concerning the intention of the Virginia Historical Society to print at full length the extant portions (1619-1624) of the records of the Virginia Company of London. It is the purpose of the society to print a text made correct by comparison with the original in the Library of Congress.

In No. 2, Part I. of the *Lower Norfolk County Virginia Antiquarian*, edited by Mr. Edward W. James, several of the matters which gave interest to No. 1 are continued. The most interesting new matter in the present installment is an autobiographical account of the early life of a lady who was born in Norfolk in 1750.

It is understood that Messrs. Yates Snowden and John P. Stratton, of Charleston, are each preparing bibliographies of South Carolina. The South Carolina Historical Society has its fifth volume in press. Its most important contents will be papers of Lord Shaftesbury relating to the early colonial period.

Professor Henry E. Chambers proposes to continue Gayarré's *History of Louisiana* from 1816 down to the present day. The publishers of his two volumes will be Messrs. F. F. Hansell and Brother, of New Orleans.

Memorial proceedings held on August 18, 1896, under the auspices of the Lexington Chapter of the Daughters of the American Revolution, have furnished the occasion for the latest issue (No. 12) of the Filson Club—*Bryant's Station*, edited by Col. Reuben T. Durrett (Louisville, John P. Morton and Co., pp. 277).

Apropos of the centennial celebration of Tennessee, Professor B. J.

Ramage has an article on Tennessee's place in history in the *Sewanee Review* for April.

Judge Oliver P. Temple, of Knoxville, is understood to have nearly ready for the press a history of East Tennessee during the Civil War.

The Vanderbilt Southern History Society, of Nashville, Tennessee, has published an interesting sketch, by Rev. E. E. Hoss, D.D., of *Elihu Embree, Abolitionist*, (1782-1820), editor of the *Emancipator* and a precursor of Lundy.

The last three publications of the Parkman Club, Nos. 11, 12, and 13, are *Père René Menard*, by Mr. Henry C. Campbell; *George Rogers Clark and his Illinois Campaign*, by Mr. D. B. Starkey; and *The Use of Maize by Wisconsin Indians*, by Mr. Gardner P. Strickney. Of these the first is the most important.

Mr. Edmond Mallet, of the General Land Office at Washington, sends us in a separate reprint from the *Bulletin des Recherches Historiques*, published at Lévis, Canada, his articles upon the Sieur de Vincennes, the founder of Indiana, in which he brings together all the accessible evidence which may contribute to a solution of the question respecting Vincennes' identity.

The University of Wisconsin has issued, as a part of its *Bulletin*, a doctoral thesis on *New Governments West of the Alleghanies before 1780*, by Mr. George Henry Alden (pp. 74). It is illustrated by several maps, and is announced as introductory to a study of the organization and admission of new states.

The *Proceedings* of the State Historical Society of Wisconsin at its forty-fourth annual meeting, December 10, 1896, exhibit the usual evidences of energy and success on the part of that society. The library is now estimated at 94,000 books and 90,000 pamphlets. Besides the various annual reports, the *Proceedings* include a suggestive paper by Professor F. J. Turner on the West as a field for historical study, and a useful list of laws, legislative documents and journals, journals of constitutional conventions, and newspaper files of the territory northwest of the river Ohio and the states of Ohio, Indiana, Illinois, Michigan and Wisconsin, published prior to 1851, in so far as they are to be found in public libraries within those states.

The ninth *Biennial Report* of the Minnesota Historical Society, recently transmitted to the legislature of the state, reports a library of 28,000 bound volumes and 32,000 pamphlets. Part II. of the eighth volume of the *Collections* of this society has recently been issued. The articles of most interest, on the whole, are those relating to the territorial period; that of Hon. Henry L. Moss on the Last Days of the Wisconsin Territory and the Early Days of the Minnesota Territory, that of Judge Charles E. F. Flandrau on the Lawyers and Courts of Minnesota prior to and during its territorial period, that of Professor Thomas F. Moran entitled How Minnesota became a State, and that of Governor Samuel J.



Albright on the First Organized Government of Dakota. The volume (pp. 270) also contains several papers relating to the sources of the Mississippi River.

The April number of the *Annals of Iowa* gives the first place to a geological article; it also contains a narrative of the battle of Pleasant Hill and an account of Rev. Asa Turner, a conspicuous pioneer.

On March 2, 1897, the Texas State Historical Association was organized at Austin. It professes, with respect to the history of Texas, the objects usual with historical societies, and starts out with an encouraging degree of public favor, and with more than a hundred members. The constitution presents some novel and ingenious provisions. Apart from ordinary members it creates a class of Fellows, limited in number to fifty, to which none are eligible but those who have published something historical; the chief officers and a majority of the Executive Council and Publication Committee are to be chosen from this class. The workings of this device, evidently adopted to guard against certain evils prevalent in our local historical societies, will be watched with interest. The new society has obviously a rich field to cultivate.

Don José Toribio Medina is about to bring out a volume, based on original investigations, and to some extent controverting received views, respecting Díaz de Solís, the discoverer of the Rio de la Plata.

Don Diego Barros Arana has in press the fourteenth volume of his monumental *Historia de Chile*.

Noteworthy articles in periodicals: H. HARRISSE, *La Cartographie verrazanienne* (Revue de Géographie, November); H. de CHARENCEY, *L'Historien Sahagun et les Migrations mexicaines* (Muséon, 2d ser., I. 1); D. M. GILBERT, *Early History of the Lutheran Church in Georgia* (Lutheran Quarterly, April); D. ROSE, *Flora McDonald and the Scottish Highlanders in America* (American Historical Register, April); W. C. WEBSTER, *State Constitutions of the American Revolution* (Annals of the American Academy of Political Science, May); A. C. McLAUGHLIN, *James Wilson and the Constitution* (Political Science Quarterly, March); J. B. McMASTER, *Washington and the French Craze of '93* (Harper, April); F. N. THORPE, *The Hundred Years' Campaign* (Harper, May); P. S. P. CONNER, *The Castle of San Juan de Ulloa and the Topsy-Turvyists* (United Service, February); W. C. MITCHELL, *Greenbacks and the Cost of the Civil War* (Journal of Political Economy, March); H. PORTER, *Campaigning with Grant* (Century, June); J. M. SCHOFIELD, *The Withdrawal of the French from Mexico* (Century, May); *The Historical Writings of Francis Parkman* (Quarterly Review, April).

#### CORRIGENDUM.

Having examined the manuscript Cod. 768 of the Staatsarchiv at Vienna, mentioned in note 5 on page 412, Mr. Sullivan writes that it is not a copy of the *Defensor Pacis*, as stated in the catalogue, but of Ockam's *Octo Quaestiones*.



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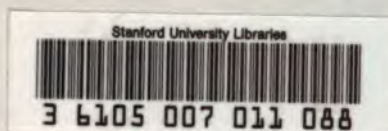












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